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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS DIVISION		APPEARANCES	
AMERICAN COUNCIL OF THE) BLIND OF INDIANA,) INDIANA PROTECTION AND) ADVOCACY SERVICES COMMISSION,) KRISTIN FLESCHNER,) RITA KERSH, AND) WANDA TACKETT,)) Plaintiffs,)) -v-) CAUSE NO) 1:20-cv-03118-JMS-MJD) INDIANA ELECTION COMMISSION;) THE INDIVIDUAL MEMBERS OF THE) INDIANA ELECTION COMMISSION,) IN THEIR OFFICIAL CAPACITIES;) INDIANA SECRETARY OF STATE,) IN HER OFFICIAL CAPACITY,)) Defendants)		1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	
The videoconferenced 30(b)(6) deposition of Civix upon oral examination of SEAN FAHEY, a witness produced and sworn remotely by me, Michele K Gustafson, CRR-RPR, Notary Public in and for the County of Marion, State of Indiana, taken on behalf of the Plaintiffs, on April 15, 2022, at 1:02 p m , and on April 26, 2022, at 1:03 p m , pursuant to the Federal Rules of Civil Procedure		FOR THE PLAINTIFFS: (BY ZOOM) Christina Brandt-Young, Esq Madeleine Reichman, Esq DISABILITY RIGHTS ADVOCATES 655 Third Avenue 14th Floor New York, NY 10017 Jelena Kolic, Esq (present 4/15/22 only) DISABILITY RIGHTS ADVOCATES 10 South LaSalle Street 18th Floor Chicago, IL 60613 Rosa Lee Bichell, Esq DISABILITY RIGHTS ADVOCATES 2001 Center Street Fourth Floor Berkeley, CA 94704 FOR THE DEFENDANTS: (BY ZOOM) Courtney L Abshire, Esq OFFICE OF THE ATTORNEY GENERAL 302 West Washington Street IGCS, Fifth Floor Indianapolis, IN 46204 FOR THE DEPONENT: Jayna Cacioppo, Esq TAFT STETTINIUS & HOLLISTER One Indiana Square Suite 3500 Indianapolis, IN 46204-2023 ALSO PRESENT: Brittany Leonard (by Zoom)	
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1 THE REPORTER: My name is Michele Gustafson,
2 an associate of Stewart Richardson Deposition
3 Services, located at One Indiana Square,
4 Suite 2425, Indianapolis, Indiana. Today's date is
5 April 15, 2022. The time is 1:02 p m. This
6 deposition is being held via Zoom. The deponent's
7 name is Sean Fahey.
8 Will counsel please identify themselves and
9 any persons present with you for the record.
10 MS. BRANDT-YOUNG: Christina Brandt-Young,
11 Disability Rights Advocates, appearing for the
12 plaintiffs. Good afternoon everyone.
13 MS. KOLIC: Jelena Kolic, also with the
14 plaintiffs and from Disability Rights Advocates.
15 MS. BICHELL: Rosa Lee Bichell, also for the
16 plaintiffs and from Disability Rights Advocates.
17 MS. REICHMAN: And Madeleine Reichman, also
18 with Disability Rights Advocates for the
19 plaintiffs.
20 MS. ABSHIRE: Courtney Abshire, Office of the
21 Indiana Attorney General, for Defendants.
22 MS. CACIOPPO: Jayna Cacioppo on behalf of the
23 witness and Civix.
24 MS. LEONARD: Brittany Leonard, general
25 counsel for Civix.

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1 MS. ABSHIRE: Understood.
2 MS. CACIOPPO: That's correct.
3 MS. BRANDT-YOUNG: Thank you very much.
4 Q So, Mr. Fahey, as you may have heard, my name is
5 Christina Brandt-Young, and I am one of the
6 attorneys for the plaintiffs in this case. Have
7 you ever had your deposition taken before?
8 A I have.
9 Q How many times?
10 A Once.
11 Q What kind of case was that about? What was the
12 subject matter of the litigation?
13 A It was with the State of Indiana related to their
14 use of the Interstate Crosscheck Program, commonly
15 referred to as the Kansas Interstate Crosscheck
16 Program.
17 Q And what does that program check for?
18 A It was established to compare records between
19 states and share back to states records that may
20 indicate an individual is registered in two places.
21 Q Registered for what purpose?
22 A For the purpose of voting.
23 Q Did you have your deposition taken, did you testify
24 at trial, both?
25 A Just deposition.

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1 THE REPORTER: All right. Sir, if you can
2 raise your right hand for me, please.
3 SEAN FAHEY
4 having been first duly sworn to tell the truth, the
5 whole truth, and nothing but the truth took the stand
6 and testified as follows:
7 THE WITNESS: I do.
8 MS. BRANDT-YOUNG: All right, Michele. Are we
9 ready to proceed?
10 THE REPORTER: Yes.
11 MS. BRANDT-YOUNG: Excellent. Thank you very
12 much.
13 DIRECT EXAMINATION
14 BY MS. BRANDT-YOUNG:
15 Q Mr. Fahey, thank you very much for appearing here
16 today to answer our questions. We're very
17 grateful.
18 A You're welcome.
19 MS. BRANDT-YOUNG: We just wanted to place on
20 the record that this deposition will be taken in
21 two parts. Two hours of on-the-record time will
22 occur day, which is April 15, and another two hours
23 of on-the-record time will occur on April 26
24 starting at 1:00 Eastern. I just wanted to confirm
25 that that's the understanding of all counsel.

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1 Q All right. So since you've had your deposition
2 taken before, I'm going to tell you some stuff that
3 you probably already know but we will run through
4 these guidelines for just the purpose of review.
5 As you know, our court reporter is writing down
6 everything that is said today, so I need you to
7 give verbal responses so that she can write down
8 what your answers are. It's important that we try
9 not to talk over each other, that if you don't
10 understand the question you ask me to clarify the
11 question, that sort of stuff. Does that make
12 sense?
13 A It does. Thank you.
14 Q And you understand that today you're testifying
15 under oath the same as you would if you were giving
16 testimony in a court; right?
17 A Yes.
18 Q Great. Where are you today?
19 A Indianapolis, Indiana.
20 Q Can you describe where you are in terms of is it
21 your home, your office, someone else's office?
22 What's the location where you are?
23 A I'm in my office.
24 Q Is anyone there present in your office with you?
25 A No.

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<p>1 Q During the deposition I will be introducing some</p> <p>2 exhibits, and they're going to appear on your</p> <p>3 screen and your attorneys' screen via the exhibit</p> <p>4 share platform that we're utilizing today. Today</p> <p>5 it's Zoom. We also provided those exhibits in a</p> <p>6 .pdf format attached to an e-mail that we sent to</p> <p>7 your attorneys, and we encourage your attorneys to</p> <p>8 send you that e-mail so that you can open up those</p> <p>9 two exhibits as a .pdf and manipulate them and read</p> <p>10 through them if you want to check something or you</p> <p>11 just want to look at the whole thing. Does that</p> <p>12 make sense?</p> <p>13 A It does.</p> <p>14 MS. BRANDT-YOUNG: Counsel, have the exhibits</p> <p>15 been sent to the witness?</p> <p>16 MS. CACIOPPO: They have.</p> <p>17 MS. BRANDT-YOUNG: Great.</p> <p>18 Q Mr. Fahey, have you received that e-mail? Do you</p> <p>19 have access to the exhibits we're talking about?</p> <p>20 A I do, yes.</p> <p>21 Q Wonderful. So while you are testifying today, do</p> <p>22 you agree not to communicate via text or instant</p> <p>23 message or e-mail or any other form of outside</p> <p>24 communication while you're on the record?</p> <p>25 A Yes.</p>	<p>1 Q Thank you. Do you agree not to look at any other</p> <p>2 documents, papers, any information of any kind</p> <p>3 while you're on the record besides the exhibits</p> <p>4 that you've been directed to look at?</p> <p>5 A Yes.</p> <p>6 Q Thank you. Do you have any documents or anything</p> <p>7 like that that's with you that's out of the view of</p> <p>8 the camera, anything on paper, anything on your</p> <p>9 computer screen?</p> <p>10 A I pulled up the exhibit you referenced, so I do</p> <p>11 have another screen with that up but nothing else.</p> <p>12 Q Thank you. If we could continue to maintain that,</p> <p>13 that would be perfect.</p> <p>14 A Okay.</p> <p>15 Q So you said that you pulled up another screen.</p> <p>16 What kinds of devices are you using today to</p> <p>17 participate in this deposition?</p> <p>18 A My laptop with an attached screen.</p> <p>19 Q Perfect. If you don't hear or understand a</p> <p>20 question or if you're just not sure what it was I</p> <p>21 was going after, please tell me and I'll rephrase</p> <p>22 it. Okay?</p> <p>23 A Certainly.</p> <p>24 Q If you need a break at any time, let me know.</p> <p>25 We'll answer the question that's pending and then</p>
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<p>1 we'll take whatever breaks you need. Is that okay?</p> <p>2 A Yes. Thank you.</p> <p>3 Q Sometimes for the purpose of saving time I'm going</p> <p>4 to interrupt you, for which I apologize. I know in</p> <p>5 advance that it's going to happen, and so I just</p> <p>6 wanted to say that I'm sorry about it but you</p> <p>7 should not give me a ten-minute answer if I didn't</p> <p>8 understand something that happened in the first</p> <p>9 thirty seconds so that's why we'll do it that way.</p> <p>10 A Understood. No offense taken.</p> <p>11 Q Thank you. Sometimes I will also ask you to repeat</p> <p>12 yourself. Again, it helps me understand and I</p> <p>13 appreciate your patience with that.</p> <p>14 Today I'm asking you for your best</p> <p>15 recollection in response to my questions. If I ask</p> <p>16 you to describe a conversation or a communication</p> <p>17 and you don't remember the exact words, I'm going</p> <p>18 to ask you to give me the gist and you're going to</p> <p>19 give me the gist if you remember it. Does that</p> <p>20 make sense?</p> <p>21 A Yes, it does.</p> <p>22 Q Same thing. You should not guess or speculate in</p> <p>23 your answers, but if I ask you to estimate</p> <p>24 something I'm entitled to your best estimate as</p> <p>25 well. Does that make sense?</p>	<p>1 A Yes, it does.</p> <p>2 Q If at any point during the deposition you remember</p> <p>3 some information or you think of something that was</p> <p>4 responsive to a question that I asked you before,</p> <p>5 please don't hesitate to let me know and we'll go</p> <p>6 back to that. Is that okay?</p> <p>7 A Yes.</p> <p>8 Q If at any point you're having issues with the</p> <p>9 audio, please let me know.</p> <p>10 A Will do.</p> <p>11 Q Fantastic. Is there any reason that you can't give</p> <p>12 full, complete, accurate testimony today? Are</p> <p>13 there any medications or illnesses or anything of</p> <p>14 any kind that would affect your ability to be</p> <p>15 accurate?</p> <p>16 A It's Friday afternoon, but no, nothing medical.</p> <p>17 Thank you.</p> <p>18 Q All right. Thank you. So can you please explain</p> <p>19 your job title and your employer, please.</p> <p>20 A Certainly. My employer is Civix. My job title is</p> <p>21 client success manager. In that capacity I manage</p> <p>22 a number of teams across accounts. As it relates</p> <p>23 to discussion today, I manage the team that</p> <p>24 supports the State of Indiana's voter registration</p> <p>25 system.</p>

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<p>1 Q How long have you been in that role?</p> <p>2 A It's over ten years.</p> <p>3 Q And are there any duties in your role that are</p> <p>4 specifically related to disability access?</p> <p>5 A I guess could you be more specific? In some way I</p> <p>6 guess it all is, in that we support systems that</p> <p>7 are used by the states' constituents, some of whom</p> <p>8 require assistance.</p> <p>9 Q I understand that you're a client success manager.</p> <p>10 Do all of the contracts or projects that you</p> <p>11 supervise relate to voting?</p> <p>12 A Not to voting because we don't operate in voting</p> <p>13 per se, but voter registration, yes.</p> <p>14 Q Would it be more accurate to say that your projects</p> <p>15 relate to elections?</p> <p>16 A Yes, it would.</p> <p>17 Q Do you have any projects or clients that involve no</p> <p>18 election work at all?</p> <p>19 A I do not.</p> <p>20 Q Okay. What did you do in preparation for today's</p> <p>21 deposition?</p> <p>22 A I reviewed the material that was turned over to</p> <p>23 you.</p> <p>24 Q Out of that material, which did you think was the</p> <p>25 most important, that required the most sort of</p>	<p>1 attention and time from you?</p> <p>2 A I don't know that anything stood out as most</p> <p>3 important. It wasn't voluminous. I was trying to</p> <p>4 refamiliarize myself more with the timeline maybe</p> <p>5 of conversations that got us to current state.</p> <p>6 Q Did you meet with anyone in order to prepare for</p> <p>7 today's deposition?</p> <p>8 A Counsel.</p> <p>9 Q Anybody else?</p> <p>10 A No.</p> <p>11 Q How many times did you meet with counsel?</p> <p>12 A Couple. Two, three maybe, just quick touch points.</p> <p>13 Q Without telling me what you said to anyone or what</p> <p>14 anyone said to you, how many hours did you spend</p> <p>15 preparing for today's deposition?</p> <p>16 A Maybe an hour and a half, two hours roughly.</p> <p>17 Q So you said before that you reviewed the material</p> <p>18 that was turned over to us for the purpose of</p> <p>19 familiarizing yourself with the timeline that got</p> <p>20 us to the current state. Do you remember that?</p> <p>21 A Refamiliarizing, so yes.</p> <p>22 Q Can you give us a three-sentence summary? What is</p> <p>23 the current state?</p> <p>24 A The State of Indiana had produced a new form that</p> <p>25 they had asked us to incorporate into existing</p>
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<p>1 systems, and we are developing code to do that.</p> <p>2 Q What is the new form?</p> <p>3 A It's a combined form that enables an individual to</p> <p>4 both register or update their registration and</p> <p>5 request to vote by absentee.</p> <p>6 Q Can anyone in the state of Indiana use that form?</p> <p>7 A No. It is for use by those who self-assess that</p> <p>8 they have a print disability. That is the term</p> <p>9 common used.</p> <p>10 Q You said that Civix was asked to incorporate that</p> <p>11 form into the existing systems. Again,</p> <p>12 three-sentence summary, what are the existing</p> <p>13 systems?</p> <p>14 A Sure. We support the State's voter registration</p> <p>15 system -- we mostly refer to that as SVRS -- which</p> <p>16 is a back end system used by county users, clerks</p> <p>17 and users at the county level, to maintain their</p> <p>18 roll of registered voters. Then we also maintain a</p> <p>19 public-facing portal where citizens can register</p> <p>20 and review their registration information as well</p> <p>21 as request an absentee ballot, among other</p> <p>22 information related to elections.</p> <p>23 Q All right. So we're going to discuss that more.</p> <p>24 A Okay.</p> <p>25 Q A lot more.</p>	<p>1 A A lot more (laughing)?</p> <p>2 Q A lot more (laughing). For this exact moment let's</p> <p>3 turn to the first of our exhibits. Again, there</p> <p>4 should only be two.</p> <p>5 MS. BRANDT-YOUNG: Let the record reflect that</p> <p>6 we're marking as Exhibit 1 a file called</p> <p>7 5 Civix 30.b.6 notice.</p> <p>8 THE REPORTER: Okay.</p> <p>9 MS. BRANDT-YOUNG: Thank you very much. Let's</p> <p>10 see if I can find this thing and share it with</p> <p>11 everyone. Everyone is welcome to open their local</p> <p>12 copies of that obviously.</p> <p>13 A Can you state the cite again? I want to make sure</p> <p>14 I open the right one. Oh, never mind. I can see</p> <p>15 it.</p> <p>16 Q You can see it?</p> <p>17 A Yes. Thank you.</p> <p>18 Q Great. So, sir, please do open up that file and</p> <p>19 just flip through it enough so that you can figure</p> <p>20 out whether you know what it is.</p> <p>21 (Witness reviewing document)</p> <p>22 A Yes. Think I'm good.</p> <p>23 Q So I'm going to represent to you that this is the</p> <p>24 deposition notice that we sent to Civix in this</p> <p>25 case asking to take the deposition of the</p>

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<p>1 organization. Have you ever seen this document</p> <p>2 before, sir?</p> <p>3 A Yes.</p> <p>4 Q And is it your understanding that you're testifying</p> <p>5 today pursuant to this notice?</p> <p>6 A Yes.</p> <p>7 Q Do you understand that you've been designated by</p> <p>8 Civix to testify on its behalf about these topics?</p> <p>9 A Yes.</p> <p>10 Q And so you're testifying on behalf of the agency</p> <p>11 and not yourself personally? Does that make sense?</p> <p>12 A Correct, yes.</p> <p>13 Q Great. So looking at the topics themselves, which</p> <p>14 I believe can be found on page 3 -- they start on</p> <p>15 page 3 -- Topic No. 1 is the history of Civix</p> <p>16 contracts with the defendants and/or Baker Tilly</p> <p>17 U.S. regarding voting information and processes in</p> <p>18 Indiana. Are you the most knowledgeable person in</p> <p>19 your agency about this?</p> <p>20 A Yes.</p> <p>21 Q Topic No. 2, all work by Civix to implement</p> <p>22 Indiana's Senate Enrolled Act 398 of 2021 as it</p> <p>23 relates to voters with print disabilities. Do you</p> <p>24 see that there?</p> <p>25 A Yes.</p>	<p>1 Q Are you the most knowledgeable person at Civix to</p> <p>2 talk about this?</p> <p>3 A Yes.</p> <p>4 Q Topic No. 3, Civix's relationship to and work with</p> <p>5 Baker Tilly, SPR, and any other entities in the</p> <p>6 private sector that perform work for Defendants</p> <p>7 regarding voting-related information and processes.</p> <p>8 Do you see that?</p> <p>9 A Yes.</p> <p>10 Q Are you the most knowledgeable person at Civix to</p> <p>11 talk about that?</p> <p>12 A Yes.</p> <p>13 Q Topic No. 4, work for Baker Tilly and/or Defendants</p> <p>14 regarding the information technology infrastructure</p> <p>15 and related policies, practices, and procedures of</p> <p>16 Defendants and any entity that Defendants advise or</p> <p>17 supervise. You see that?</p> <p>18 A I do.</p> <p>19 Q Are you the most knowledgeable person at Civix to</p> <p>20 talk about that?</p> <p>21 A Yes.</p> <p>22 Q Nos. 5 and 6, experience and qualifications of</p> <p>23 Baker Tilly, Civix, and SPR regarding voting or</p> <p>24 electronic disability accessibility and the</p> <p>25 Disability Access Laws. I know I just looped two</p>
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<p>1 topics together, but are you the most knowledgeable</p> <p>2 person at Civix to talk about those things?</p> <p>3 A I can't speak to Baker Tilly or SPR, but Civix I</p> <p>4 think in this regard, yes.</p> <p>5 Q Are there any topics that you're not prepared to</p> <p>6 talk about today?</p> <p>7 A No.</p> <p>8 Q All right. So Civix provides products and services</p> <p>9 in a number of fields that are other than election</p> <p>10 management; right?</p> <p>11 A Yes.</p> <p>12 Q But they also do election management and that's</p> <p>13 what you do; is that correct?</p> <p>14 A Correct.</p> <p>15 Q How long has Civix or its precursor companies</p> <p>16 offered products or services related to election</p> <p>17 management?</p> <p>18 A I can speak to the predecessor with whom I was</p> <p>19 associated with and how I joined Civix. That dates</p> <p>20 back to 2000 roughly.</p> <p>21 Q And are there any names for precursor companies</p> <p>22 that we should be aware of?</p> <p>23 A As it relates to Indiana, Quest Information Systems</p> <p>24 is the predecessor company that was acquired, had</p> <p>25 previously provided the services here.</p>	<p>1 Q So nationwide in which states or municipalities</p> <p>2 does Civix currently provide products or services</p> <p>3 related to elections?</p> <p>4 A I don't have the list in front of me, but roughly a</p> <p>5 dozen.</p> <p>6 Q Can you tell me which ones you can remember off the</p> <p>7 top of your head?</p> <p>8 A You're going to embarrass me because my boss is</p> <p>9 going to see it.</p> <p>10 Q What you do with this transcript is up to you,</p> <p>11 sir (smiling).</p> <p>12 A Let me think about this. Texas, Georgia, Maine,</p> <p>13 Vermont, Alaska, West Virginia, Utah, Louisiana,</p> <p>14 Connecticut, Tennessee. I know I'm missing a</p> <p>15 couple, but that's the bulk of them.</p> <p>16 Q Thank you. Sorry. This is not meant to be a quiz.</p> <p>17 A Am I being scored on this (smiling)?</p> <p>18 Q No, but we appreciate your best recollection.</p> <p>19 A Sure.</p> <p>20 Q All right. I would like to just understand better</p> <p>21 some of the current products or services that Civix</p> <p>22 offers generally relating to voting, and some of</p> <p>23 these we can do in quite a summary fashion because</p> <p>24 we have limited time and some of them we'll go into</p> <p>25 more detail, especially when Indiana is involved.</p>

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<p>1 So I understand that Civix currently offers a</p> <p>2 product called Intelligent Voter Information</p> <p>3 Systems. Is that correct?</p> <p>4 A Yes.</p> <p>5 Q Can you provide a two- or three-sentence summary of</p> <p>6 what that is?</p> <p>7 A It's a public-facing portal that enables voter</p> <p>8 self-service.</p> <p>9 Q So by public-facing portal does that usually mean a</p> <p>10 website that the general public can access?</p> <p>11 A Yes.</p> <p>12 Q Tell me about the second half of that. It's a</p> <p>13 public-facing portal that? Say that part again,</p> <p>14 please.</p> <p>15 A Enables voter self-service.</p> <p>16 Q What does that mean?</p> <p>17 A They can find information about general</p> <p>18 election-related information, upcoming elections,</p> <p>19 offices and candidates, polling locations, and so</p> <p>20 forth, and then if registered can authenticate and</p> <p>21 see more specific information about their own</p> <p>22 record.</p> <p>23 Q Does Civix offer that in Indiana right now?</p> <p>24 A This is not installed in Indiana.</p> <p>25 Q Is any portion of that service hosted in the cloud?</p>	<p>1 A Yes.</p> <p>2 Q Any particular cloud service?</p> <p>3 A The GovCloud, AWS.</p> <p>4 Q And that means Amazon Web Services?</p> <p>5 A Yes.</p> <p>6 Q How many states is that offered in currently?</p> <p>7 A IVIS is not currently live in any state. It is a</p> <p>8 product offering that I believe is being</p> <p>9 implemented in a couple states but not live.</p> <p>10 Q And e-Pollbook Solution, is that a service that</p> <p>11 Civix offers?</p> <p>12 A It is.</p> <p>13 Q Can you summarize that in two or three sentences,</p> <p>14 please.</p> <p>15 A E-Pollbook is electronic version of the traditional</p> <p>16 paper pollbook, which at a polling location or</p> <p>17 voting site allows a voter to check in, if you</p> <p>18 will, and verifies that they are a registered</p> <p>19 voter.</p> <p>20 Q Is that being offered in Indiana currently?</p> <p>21 A It is not.</p> <p>22 Q How many states is it being offered in right now?</p> <p>23 A Frankly I don't know. That's more recent</p> <p>24 acquisition of Civix, and I don't have a lot of</p> <p>25 background on it.</p>
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<p>1 Q And is any aspect of the e-Pollbook Solution hosted</p> <p>2 in the cloud?</p> <p>3 A I don't know the architecture of that application.</p> <p>4 Q Is Precinct Reporting Solution a product or service</p> <p>5 that Civix currently offers around elections?</p> <p>6 A Can you describe what you mean by</p> <p>7 Precinct Reporting Solution?</p> <p>8 Q I went on your website and there was something</p> <p>9 called the Precinct Reporting Solution that</p> <p>10 automatically delivers information directly from</p> <p>11 precincts and vote centers to election central and</p> <p>12 public websites.</p> <p>13 A I'd have to review that on the website to know what</p> <p>14 it is referring to. I'm not certain.</p> <p>15 Q And is Results Reporting a product or service that</p> <p>16 Civix currently offers?</p> <p>17 A Yes. If you're referring to election night</p> <p>18 results, or commonly referred to ENR, that is</p> <p>19 offered as a product.</p> <p>20 Q Can you explain what that means in two or three</p> <p>21 sentences, please.</p> <p>22 A Sure. It allows state or more commonly local</p> <p>23 county users to record the results of a race, be</p> <p>24 that for an office or a public question, a</p> <p>25 referendum, and display that publicly as election</p>	<p>1 results.</p> <p>2 Q Is Indiana currently using that product?</p> <p>3 A Indiana's not using our product. However, there is</p> <p>4 an ENR solution in Indiana.</p> <p>5 Q And how many states are using the Results Reporting</p> <p>6 product right now?</p> <p>7 A Oh, goodness.</p> <p>8 Q You may estimate.</p> <p>9 A Well, and I don't mean to be particular about your</p> <p>10 question. The product itself, most of the states</p> <p>11 in which we have election night reporting was</p> <p>12 custom development for those states and not truly a</p> <p>13 product per se. The closest I think we have on</p> <p>14 product is maybe one or two of those are using</p> <p>15 product. I know I'm splitting hairs there. Sorry.</p> <p>16 Q I think listening carefully to the question and</p> <p>17 making sure that you and I agree that we're talking</p> <p>18 about the same thing is a great idea, so thank you.</p> <p>19 A Good.</p> <p>20 Q And is it fair to say that Indiana has sort of a</p> <p>21 customized Results Reporting product rather than</p> <p>22 the sort of off-the-shelf product?</p> <p>23 A Yes.</p> <p>24 Q Is any aspect of that customized product for</p> <p>25 Indiana hosted in the cloud?</p>

<p style="text-align: right;">Page 25</p> <p>1 A It is.</p> <p>2 Q And which service would that be?</p> <p>3 A Sorry. It just blanked on me. Give me a second.</p> <p>4 Can we come back to that?</p> <p>5 Q Absolutely.</p> <p>6 A Sorry. I'm going to write it down, take notes.</p> <p>7 Q As soon as we take a break, you'll remember.</p> <p>8 That's just the way this always goes.</p> <p>9 A Yes.</p> <p>10 Q So Election Management software, your website says</p> <p>11 that that is a product that Civix offers. Is that</p> <p>12 an identifiable product to you?</p> <p>13 A It is.</p> <p>14 Q Can you describe that in two or three sentences,</p> <p>15 what Election Management software does?</p> <p>16 A Election Management allows a client to manage all</p> <p>17 aspects of an election, including setting up an</p> <p>18 election, offices and associating those to</p> <p>19 election, candidates for those offices, referendums</p> <p>20 that may be associated to an election. Then</p> <p>21 tangential to that there are poll location, worker,</p> <p>22 and equipment management modules that allow them to</p> <p>23 associate to an election and manage all the detail</p> <p>24 related to those. Then lastly typically it will</p> <p>25 record results that may be entered by that client</p>	<p style="text-align: right;">Page 26</p> <p>1 for that election and those offices, candidates,</p> <p>2 and referendum.</p> <p>3 Q So when you say election setup, what does that</p> <p>4 consist of?</p> <p>5 A In the system it basically means creating an entry</p> <p>6 that is an election, 2022 primary, with a date and</p> <p>7 other dates related to that, deadlines, for</p> <p>8 instance, for close of registration.</p> <p>9 Q Are voter registration services part of this</p> <p>10 Election Management software?</p> <p>11 A Voter registration we typically speak to as a</p> <p>12 separate module, although related. So the voter</p> <p>13 registration record or VR system is not separate so</p> <p>14 much as a related module.</p> <p>15 Q All right. So backing up for a moment. Do I hear</p> <p>16 correctly that Indiana contracts with Civix to do</p> <p>17 the voter registration module?</p> <p>18 A Yes.</p> <p>19 Q And does Indiana also contract with Civix for the</p> <p>20 election setup and related things that you just</p> <p>21 described?</p> <p>22 A The Election Management model, yes. In Indiana it</p> <p>23 is an integrated system, SVRS.</p> <p>24 Q So can you describe for me sort of all the various</p> <p>25 modules that Indiana has that Civix runs for</p>
<p style="text-align: right;">Page 27</p> <p>1 Indiana or that Civix programs for Indiana related</p> <p>2 to the running of elections generally, including</p> <p>3 voter registration?</p> <p>4 A Sure. Well, those are the big ones, voter</p> <p>5 registration and election management. We talked a</p> <p>6 little bit about a public portal, an ENR solution,</p> <p>7 election night reporting solution. There is an</p> <p>8 Integrated Reporting Information System, IRIS,</p> <p>9 which is a separate application for reporting to</p> <p>10 subscribers.</p> <p>11 Q What are subscribers?</p> <p>12 A Subscribers, the State could probably better define</p> <p>13 it for you, but essentially an individual or entity</p> <p>14 pays the State a fee for access to certain public</p> <p>15 information, voter registration rolls, etc. That's</p> <p>16 defined I believe in statute.</p> <p>17 Q So far we've got the Election Management software,</p> <p>18 the voter registration module, the election night</p> <p>19 reporting, we've got IRIS. What are the other</p> <p>20 services that Indiana contracts with Civix for</p> <p>21 around elections?</p> <p>22 A I'm racking my brain for any others. I think the</p> <p>23 only other one that might be referred to, although</p> <p>24 it is a part of VREMS, is a web service framework,</p> <p>25 which is essentially an integration point for</p>	<p style="text-align: right;">Page 28</p> <p>1 electronic pollbooks.</p> <p>2 Q I'm sorry. Can you repeat that for me, please.</p> <p>3 A Sure. Web service framework is a part of the VREMS</p> <p>4 system and it's an integration point for</p> <p>5 communicating to and from e-Pollbooks.</p> <p>6 Q When you say integration point, what does that</p> <p>7 mean?</p> <p>8 A Sure. Counties have procured e-Pollbook Solutions,</p> <p>9 and to operate in Indiana they have to communicate,</p> <p>10 get data from the Statewide Voter Registration</p> <p>11 System and return information to the</p> <p>12 Statewide Voter Registration System to be in sync,</p> <p>13 if you will. So this is a technical framework</p> <p>14 through which that happens.</p> <p>15 Q So do I understand correctly that some number of</p> <p>16 counties use e-Pollbooks but that's not a service</p> <p>17 that the statewide voting authorities contract with</p> <p>18 Civix for? Is that right?</p> <p>19 A Correct. We do not provide an e-Pollbook in</p> <p>20 Indiana.</p> <p>21 Q Nonetheless, e-Pollbooks do exist in Indiana and</p> <p>22 you provide a way for those e-Pollbooks to talk to</p> <p>23 voter registration data?</p> <p>24 A Yes, absolutely.</p> <p>25 Q Okay.</p>

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<p>1 A Then there's one other, if you're done with that,</p> <p>2 that comes to mind.</p> <p>3 Q Yes.</p> <p>4 A There is a external GIS tool, which was developed</p> <p>5 by a third party, that we have created some reports</p> <p>6 that integrate shared data with that and that is a</p> <p>7 GIS tool for use by counties to analyze their data</p> <p>8 and make corrections in their data.</p> <p>9 Q So GIS stands for Geographic Information System; is</p> <p>10 that right?</p> <p>11 A It does.</p> <p>12 Q Tell me one more time. The external GIS tool is</p> <p>13 for counties to integrate their shared data. What</p> <p>14 data is that?</p> <p>15 A It's voter registration data overlaid with data</p> <p>16 from the Office of Census Data, otherwise probably</p> <p>17 referred to as district data, district maps, to</p> <p>18 help maintain the voter rolls and the association</p> <p>19 of voters to the correct precincts and districts.</p> <p>20 Q Any other modules or services that you can remember</p> <p>21 for Indiana as part of their voting and elections</p> <p>22 management?</p> <p>23 A I don't think so. I think that covers everything.</p> <p>24 Q Is any portion of any of these services hosted in</p> <p>25 the cloud?</p>	<p>1 A Yes.</p> <p>2 Q Which ones?</p> <p>3 A All of them.</p> <p>4 Q And which cloud service, if you recall?</p> <p>5 A AWS, Amazon Web Services, GovCloud.</p> <p>6 Q And does that spark a recollection as to where the</p> <p>7 Results Reporting is hosted in the cloud?</p> <p>8 A No. I just looked at my note again. No, it does</p> <p>9 not unfortunately.</p> <p>10 Q Well, Indiana doesn't subscribe to it, so we'll</p> <p>11 learn to live without that information perhaps.</p> <p>12 A There's only two large ones and I can't think of</p> <p>13 the other.</p> <p>14 Q Sounds good. Among the contracts that you manage,</p> <p>15 does Indiana subscribe to a lot of Civix's</p> <p>16 services, relatively few? Compare Indiana to other</p> <p>17 states for me, please.</p> <p>18 A It's comparable.</p> <p>19 Q Okay.</p> <p>20 A Azure. That's the other. It just popped into my</p> <p>21 head. Sorry. There's AWS and Azure, Azure being</p> <p>22 the Microsoft equivalent. So Azure cloud is where</p> <p>23 ENR is hosted.</p> <p>24 THE WITNESS: Christina, you're on mute.</p> <p>25 MS. BRANDT-YOUNG: Thank you.</p>
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<p>1 Q All right. I'm going to call the suite of what</p> <p>2 we've just been talking about, everything after the</p> <p>3 Results Reporting, as the election management</p> <p>4 software unless there's a better phrase that I</p> <p>5 should use for it. How does Civix refer to this</p> <p>6 sort of suite of services that it offers Indiana?</p> <p>7 A That's probably an accurate term, although we</p> <p>8 typically don't refer to it as a suite of election</p> <p>9 management services because in communication we're</p> <p>10 typically talking about a specific application. I</p> <p>11 think that's a fair umbrella, if you will.</p> <p>12 Q If you come up with a better term, an internally</p> <p>13 used term, that's going to make more sense, by all</p> <p>14 means let me know.</p> <p>15 A Okay.</p> <p>16 Q So is it fair to say that among this sort of suite</p> <p>17 of services, Civix assists Indiana in providing</p> <p>18 voter registration services? Is that right?</p> <p>19 A Can you maybe put some definition around voter</p> <p>20 registration services and then we can torture that</p> <p>21 term? Sorry.</p> <p>22 Q No, by all means. Again, it's good when we're</p> <p>23 talking about the same thing, so thank you for</p> <p>24 clarifying the question. Does Civix assist the</p> <p>25 State of Indiana in making publicly-facing voter</p>	<p>1 registration services available through</p> <p>2 IndianaVoters.com?</p> <p>3 A Yes. That is an accurate statement, yes.</p> <p>4 Q Also through IndianaVoters.com, does Civix assist</p> <p>5 in making absentee ballot tracking available to</p> <p>6 voters in Indiana?</p> <p>7 A By absentee ballot tracking, can you maybe</p> <p>8 elaborate on that term?</p> <p>9 Q If a voter has received an absentee ballot and</p> <p>10 wants to know if the State has received it or to be</p> <p>11 more accurate their county has received it, can</p> <p>12 they track the status of that ballot through the</p> <p>13 mail through a product provided or coded by Civix?</p> <p>14 A Yes. Yes, we do display for a voter the status of</p> <p>15 their ballot request.</p> <p>16 Q Fair to say if there's a request for an absentee</p> <p>17 ballot, an Indiana voter can track that through a</p> <p>18 Civix product?</p> <p>19 A Yes. I'm saying yes and grimacing because there's</p> <p>20 a separate between the absentee ballot request and</p> <p>21 the ballot. I believe -- I should know this --</p> <p>22 they can track their request, yes.</p> <p>23 Q And as you sit here today, is it your understanding</p> <p>24 that they can track the ballot once it's been</p> <p>25 completed?</p>

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<p>1 A They can see if it has been in a status of issued, 2 returned, received, yes. There are statuses for 3 ballots, correct. 4 Q Can a voter look up their polling place on a 5 publicly-facing portal that Civix supports for 6 Indiana? 7 A Yes. 8 Q Can they obtain information on the voting hours? 9 A Yes. 10 Q Can they look at their sample ballot for the next 11 election? 12 A No. 13 Q Can they look up their elected officials? 14 A Yes. And I should actually qualify that that there 15 is a link to a third-party tool that allows them to 16 see their elected officials. That is not a Civix 17 product. 18 Q Can they volunteer to be a poll worker? 19 A There is a link to the State's page for that 20 purpose, but Civix does not provide the details or 21 information for that. It's just a link from the 22 page. 23 Q Can they check their provisional ballot 24 information? 25 A Provisional ballot status is provided similar to</p>	<p>1 absentee ballot status, yes. 2 Q Can they look up historical election results? 3 A They can so much as they exist in the system. It 4 only goes back so far, but yes. 5 Q Can a voter look up campaign finance records? 6 A That is a separate application provided by Civix 7 and is linked from Indiana Voters. And just so 8 we're communicating clearly, when we talk about 9 election management, we don't consider campaign 10 finance election management. It is a separate 11 division within our company. 12 Q Does Civix have a contract with Indiana to provide 13 online access to campaign finance records? 14 A It does. 15 Q Just for the record, that didn't occur to us as 16 being election and voting -- it's related to 17 elections -- but not within the suite that we were 18 hoping to discuss with you today, so . . . 19 A Fair enough. 20 Q And so all of these things that we've discussed so 21 far starting with voter registration can be 22 accessed through the portal at IndianaVoters.com; 23 is that right? 24 A Yes. 25 Q And all of those services are HTML-based services?</p>
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<p>1 Do I understand that correctly? 2 A Correct. 3 Q Is it fair to say that IndianaVoters.com also 4 provides .pdf voting forms? 5 A Indiana Voters links to State-provided .pdf forms. 6 And I could be wrong on this, but to the best of my 7 knowledge I think we point to forms.in.gov for 8 those forms. 9 Q All right. So we've just discussed a lot of 10 services that are available to voters that Civix 11 supports in Indiana. What services are available 12 to candidates for office through the software? 13 It's okay to provide a two- to three-sentence 14 summary here. 15 A And separating campaign finance, if I may, as 16 unrelated? 17 Q Yes. 18 A Okay. Then really in terms of election management, 19 voter registration information, candidates have 20 access to the same data and detail that any voter, 21 so there's nothing specific to candidates. 22 Q Our understanding is that some of what Civix 23 supports for the State of Indiana around elections 24 is public facing and available to voters but a lot 25 of it's not is our understanding, so I hope you'll</p>	<p>1 tell me if that's true. In that context, what 2 services does Civix support around elections for 3 county-level election officials? 4 A Sure. They are the primary user of the VREMS 5 system that we discussed, so voter registration and 6 election management. 7 Q Is there anything else that's available to 8 county-level election officials that is not 9 available to the general public? 10 A Nothing comes to mind, no. 11 Q So is it fair to say that the county-level election 12 officials have the election setup capabilities, 13 they have the offices and candidate capabilities, 14 and they have certain capabilities related to voter 15 registration that the general public doesn't see? 16 A Correct. And I think to be clear it is the state 17 and county users that share that responsibility, 18 depending on the task at hand, but access to SVRS 19 is limited to state and county users. 20 Q Is there anything that is different between the 21 services or access that the county-level officials 22 or the state-level officials can use? 23 A They have different roles. So there are roles 24 associated which really describe or drive what 25 information they can access and what functions they</p>

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<p>1 can perform, and that can further be defined at a</p> <p>2 county level where some county users may have</p> <p>3 certain functions or roles in the office different</p> <p>4 from other county users. So it's a role-driven</p> <p>5 system.</p> <p>6 Q All right. So just to make sure that I understand</p> <p>7 this properly. Fair to say all of what you all</p> <p>8 provide is computer code. Is that a fair</p> <p>9 statement?</p> <p>10 A Absolutely, yes.</p> <p>11 Q And some of that code is sort of prefabricated, you</p> <p>12 have it coded, you can sort of plug it in in any</p> <p>13 state; is that right?</p> <p>14 A The code for Indiana is specific to Indiana and not</p> <p>15 related to any of our other clients.</p> <p>16 Q So fair to say then that some of what Indiana</p> <p>17 contracts with Civix for is to get a system up and</p> <p>18 running with code and then usually generally there</p> <p>19 are also ongoing needs after that initial start-up.</p> <p>20 Do I have that right?</p> <p>21 A Yes, absolutely.</p> <p>22 Q Is any ballot information stored or transmitted</p> <p>23 through the system that Civix supports for Indiana?</p> <p>24 A I'm going to torture the word ballot a little bit.</p> <p>25 Let's pull that thread. When you refer to ballot</p>	<p>1 information, help me out.</p> <p>2 Q Sorry. This is about four separate questions, and</p> <p>3 so I am trying to give you a definition. Again, I</p> <p>4 want to make sure we're talking about the same</p> <p>5 thing, so I appreciate the request for</p> <p>6 clarification.</p> <p>7 A Okay.</p> <p>8 Q Any information about candidates that will be</p> <p>9 turned into ballots someday, any blank ballots as</p> <p>10 they are formatted, any information about voters'</p> <p>11 choices that they have selected on their ballots,</p> <p>12 any information like that.</p> <p>13 A Okay. So that's a few different things. Let me</p> <p>14 try to tick them off. Ballot is a term of art, so</p> <p>15 we get particular about that. We do not produce a</p> <p>16 ballot style, if you will, and that speaks to the</p> <p>17 format and layout.</p> <p>18 The VREMS system, really the EMS system, as I</p> <p>19 said before, maintains a list of offices,</p> <p>20 candidates, and referendum. So from that</p> <p>21 perspective data which may appear on a ballot is</p> <p>22 maintained in the system. However, it is not used</p> <p>23 to directly produce a ballot. That data may</p> <p>24 be -- and I use the term may be purposefully --</p> <p>25 exported by a county to then use with a third party</p>
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<p>1 to produce their ballot. I say maybe because I</p> <p>2 know some do not pull the data from SVRS EMS</p> <p>3 system, they produce that outside the system</p> <p>4 entirely.</p> <p>5 Pardon me. You asked about recording</p> <p>6 selections, right, on a ballot. So no, there is</p> <p>7 nothing recorded about an individual's ballot cast</p> <p>8 and the selections therein. The only slight</p> <p>9 variation there one might argue is during a primary</p> <p>10 Indiana requires that you identify and be sent a</p> <p>11 partisan ballot, right, a republican or democrat.</p> <p>12 Did I cover it all?</p> <p>13 Q Almost. Good memory, by the way.</p> <p>14 A (The witness smiled.)</p> <p>15 Q I understand that the system doesn't contain</p> <p>16 information about the choices that individual</p> <p>17 voters have made. What about election results?</p> <p>18 A Election results in the aggregate are recorded by</p> <p>19 the county users. So the votes for or against a</p> <p>20 referendum or the votes cast for a particular</p> <p>21 candidate, those can be recorded at the county</p> <p>22 aggregate level and at the precinct level.</p> <p>23 Q Once those aggregate results are recorded at the</p> <p>24 county or precinct level, do Civix products assist</p> <p>25 the counties in reporting those results back to the</p>	<p>1 state?</p> <p>2 A It is the system in which counties communicate that</p> <p>3 information to the state.</p> <p>4 Q To your knowledge, Civix's election management</p> <p>5 tools, I'm going to call these, have they ever been</p> <p>6 programmed, to your knowledge, to work with a</p> <p>7 remote accessible vote by mail tool like</p> <p>8 Democracy Live, Enhanced Voting, Five Cedars,</p> <p>9 state-specific absentee balloting electronic tools?</p> <p>10 A I'm not aware of any specifically. In Indiana, no,</p> <p>11 it is not.</p> <p>12 Q What about other states?</p> <p>13 A I'm not aware of any other states. It may have</p> <p>14 been, but I'm not aware of that.</p> <p>15 Q Here I'm going to run through a list of states, and</p> <p>16 I apologize because you've already run through a</p> <p>17 list of states for me on your end in the pop quiz</p> <p>18 portion of this deposition.</p> <p>19 A (The witness laughed.)</p> <p>20 Q To your knowledge, are you aware of Civix's</p> <p>21 Election Management software currently being used</p> <p>22 in Alabama in any way right now?</p> <p>23 A We do not have Election Management solution in</p> <p>24 Alabama.</p> <p>25 Q Michigan?</p>

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<p>1 A We do not have a solution in Michigan.</p> <p>2 Q Pennsylvania?</p> <p>3 A Well, I'm sorry. I don't want to over-answer your</p> <p>4 question. There is a county in Michigan that uses</p> <p>5 a solution from Civix but not Michigan. Sorry.</p> <p>6 What was the next one? I'm sorry.</p> <p>7 Q Pennsylvania?</p> <p>8 A No.</p> <p>9 Q Colorado?</p> <p>10 A No.</p> <p>11 Q Florida?</p> <p>12 A No.</p> <p>13 Q Ohio?</p> <p>14 A No.</p> <p>15 Q Minnesota?</p> <p>16 A No.</p> <p>17 Q Washington, D.C.?</p> <p>18 A No.</p> <p>19 Q North Carolina?</p> <p>20 A No.</p> <p>21 Q Oregon?</p> <p>22 A No.</p> <p>23 Q California?</p> <p>24 A No.</p> <p>25 Q Washington State?</p>	<p>1 A No.</p> <p>2 Q South Carolina?</p> <p>3 A No.</p> <p>4 Q New Hampshire?</p> <p>5 A Yes.</p> <p>6 Q Vermont?</p> <p>7 A Yes.</p> <p>8 Q Rhode Island?</p> <p>9 A No.</p> <p>10 Q Texas?</p> <p>11 A Yes.</p> <p>12 Q West Virginia?</p> <p>13 A Yes.</p> <p>14 Q Delaware?</p> <p>15 A No.</p> <p>16 Q New York City?</p> <p>17 A No.</p> <p>18 Q Okay. So are you familiar with remote accessible</p> <p>19 vote by mail tools of the type that I'm describing,</p> <p>20 like Five Cedars and Democracy Live and what have</p> <p>21 you?</p> <p>22 A I have heard of Democracy Live and I'm familiar</p> <p>23 with that solution somewhat.</p> <p>24 Q Is there any reason why Civix's Election Management</p> <p>25 software couldn't be programmed to work together</p>
Page 43	Page 44
<p>1 with a remote accessible vote by mail tool of that</p> <p>2 type?</p> <p>3 A Not that I'm aware of.</p> <p>4 Q And my understanding from the website is that Civix</p> <p>5 offers an e-Ballot Solution; is that correct?</p> <p>6 A I reviewed the exhibit that you had forwarded.</p> <p>7 Frankly I'd not seen that, so I can't speak to</p> <p>8 that. Apparently we do. I saw on there powered by</p> <p>9 Demtech, so, again, that's a recent acquisition.</p> <p>10 I'm not familiar with all their capabilities.</p> <p>11 MS. BRANDT-YOUNG: Well, since you have</p> <p>12 mentioned it, let's let the record reflect that</p> <p>13 we're marking as Exhibit 2 the document entitled</p> <p>14 Civix-EBallot-Solution.pdf. Let's share the screen</p> <p>15 with it.</p> <p>16 A I'm opening it as well, so I just want to come</p> <p>17 clean, on another screen.</p> <p>18 MS. BRANDT-YOUNG: So just confirming that the</p> <p>19 court reporter, opposing counsel, the witness all</p> <p>20 have their copies open. We've heard from Mr. Fahey</p> <p>21 that he has his. If anyone needs another moment,</p> <p>22 please let us know.</p> <p>23 (no response)</p> <p>24 Q I'll represent to you, sir, that I downloaded this</p> <p>25 from the Civix website.</p>	<p>1 A I see that.</p> <p>2 Q So have you ever seen this document before?</p> <p>3 A I have not.</p> <p>4 Q It's fairly short, so give it a read. Is it fair</p> <p>5 to say that this appears to be a document that was</p> <p>6 authored by your company?</p> <p>7 A It is.</p> <p>8 Q Is that the correct spelling of the name? It's the</p> <p>9 general marketing formatting that you all use?</p> <p>10 A It does appear to be, yes.</p> <p>11 Q You said that Demtech was a recent acquisition.</p> <p>12 Can you explain what you mean by that?</p> <p>13 A Well, and acquisition may not be the proper term</p> <p>14 because I don't think we acquired them and now I'm</p> <p>15 going to get out of my swim lane because there's</p> <p>16 some probably legalese around our relationship. I</p> <p>17 think we have some exclusive go-to-market</p> <p>18 arrangement but we don't own them is my</p> <p>19 understanding.</p> <p>20 THE WITNESS: If I may, I'm going to look to</p> <p>21 Brittany to correct me, if she could. She may give</p> <p>22 a better answer on this, help me out.</p> <p>23 MS. CACIOPPO: I think this whole part may be</p> <p>24 beyond the scope of what this deposition is about,</p> <p>25 so I don't think we need to go there.</p>

<p style="text-align: right;">Page 45</p> <p>1 THE WITNESS: Okay.</p> <p>2 MS. BRANDT-YOUNG: Respectfully, Counselor,</p> <p>3 one of the topics for this deposition is the</p> <p>4 experience and qualifications of Civix regarding</p> <p>5 voting. This is a product that Civix offers</p> <p>6 regarding voting and so it's part of their</p> <p>7 experience and qualifications. We disagree with</p> <p>8 that.</p> <p>9 We appreciate, of course, that the witness</p> <p>10 can't give information that he doesn't have, but</p> <p>11 what that means is that he's unprepared to discuss</p> <p>12 this portion of today's questions for the</p> <p>13 deposition. So we're going to note that for the</p> <p>14 record, that the witness is unprepared to discuss</p> <p>15 this product. I'm going to ask him whatever</p> <p>16 questions I can. He'll tell me whatever he knows.</p> <p>17 If we need to return to this, we can do that off</p> <p>18 the record and have one of those lawyer</p> <p>19 conversations.</p> <p>20 MS. CACIOPPO: I respectfully disagree with</p> <p>21 your assertion of what the deposition topics are.</p> <p>22 I'm not going to have our general counsel testify</p> <p>23 during the deposition. So continue. You have your</p> <p>24 two hours and let's not waste any more time.</p> <p>25 MS. BRANDT-YOUNG: We concur, Counselor, that</p>	<p style="text-align: right;">Page 46</p> <p>1 we don't want to have your general counsel testify</p> <p>2 during the deposition. Not helpful. We agree with</p> <p>3 that.</p> <p>4 Q So is it fair to say that this appears to be a</p> <p>5 service that electronically delivers an absentee</p> <p>6 ballot to a voter?</p> <p>7 A It does.</p> <p>8 Q Based on your understanding of what's happening</p> <p>9 here, can the absentee voter print out a blank</p> <p>10 ballot using the system? If they have a printer.</p> <p>11 A Give me a second, if you would, please.</p> <p>12 Q Sure.</p> <p>13 (Witness reviewing document)</p> <p>14 A Forgive me if I miss it, but I don't see a direct</p> <p>15 reference to printing. Although obviously if it's</p> <p>16 on screen for a user they could print their screen,</p> <p>17 so that would make sense, yes.</p> <p>18 Q Well, so I'm going to use my pointer tool in the</p> <p>19 screen share. Do you see the Simple, Secure</p> <p>20 Electronic Ballots title here (indicating)?</p> <p>21 A Yes.</p> <p>22 Q And then right under that it says</p> <p>23 Printable Ballot (indicating)?</p> <p>24 A It does, and I was referring to where it talks</p> <p>25 about online marking. So yes, I would agree that a</p>
<p style="text-align: right;">Page 47</p> <p>1 user could print a ballot.</p> <p>2 Q When you say that you were looking at Online Ballot</p> <p>3 Marking, is that down here at the bottom of the</p> <p>4 first page where I'm gesturing now (indicating)?</p> <p>5 A Yes, ma'am.</p> <p>6 Q If this document tells you, can the absentee voter</p> <p>7 mark their ballot choices electronically instead of</p> <p>8 printing on paper and marking by hand? Is that</p> <p>9 what Online Ballot Marking means?</p> <p>10 A Apparently, yes. As I said, I'm not familiar with</p> <p>11 this tool, so it would seem so based on the</p> <p>12 marketing material.</p> <p>13 Q Based on these marketing materials does this</p> <p>14 service enable the voter to return a marked ballot</p> <p>15 electronically instead of printing it and sending</p> <p>16 it through the mail?</p> <p>17 A According to the marketing material, it would seem</p> <p>18 so. Like I said, I'm not familiar with this</p> <p>19 product. This product isn't used in Indiana,</p> <p>20 so . . .</p> <p>21 Q When you say that you believe the answer's yes, can</p> <p>22 you tell me what you're pointing to?</p> <p>23 MS. CACIOPPO: Counselor, I'm going to have to</p> <p>24 object to this line of questioning. This</p> <p>25 particular program is not used in Indiana is my</p>	<p style="text-align: right;">Page 48</p> <p>1 understanding of what the witness just said. He</p> <p>2 has no knowledge of this.</p> <p>3 So if you think outside of Indiana is at all</p> <p>4 relevant to your lawsuit then you can have that</p> <p>5 argument and go forward with the judge, but I'm not</p> <p>6 going to have him answer any more questions here</p> <p>7 because he's just guessing. The document speaks</p> <p>8 for itself. To the extent it's on our web page, it</p> <p>9 might be there, but it has no applicability to</p> <p>10 Indiana.</p> <p>11 MS. BRANDT-YOUNG: Again, the experience and</p> <p>12 qualifications of Civix regarding voting is one of</p> <p>13 the topics here and, therefore, we think it's</p> <p>14 within the scope of the deposition. What's really</p> <p>15 important is what's within the scope of the</p> <p>16 witness's knowledge. We agree with you about that.</p> <p>17 Q I'm directing the witness to the top of the page</p> <p>18 that states, The Civix e-Ballot powered by Demtech</p> <p>19 enables voters to complete ballots online and</p> <p>20 return them to election central - electronically</p> <p>21 and by mail (indicating).</p> <p>22 Is that what he was referring to when he said</p> <p>23 that these marketing materials seem to indicate</p> <p>24 that electronic return of a ballot was possible?</p> <p>25 A It would seem to imply that it's possible. I was</p>

<p style="text-align: right;">Page 49</p> <p>1 actually looking at integration. Again, return</p> <p>2 could mean that I dropped it in U S. mail. So I'm</p> <p>3 guessing at this point about the intent of the</p> <p>4 marketing material. Sorry.</p> <p>5 Q And then in terms of the portion immediately below</p> <p>6 this at the top of page 1, when it says that it</p> <p>7 integrates with Election Management System, do you</p> <p>8 see that on the top of the page at the</p> <p>9 right (indicating)?</p> <p>10 A I do.</p> <p>11 Q What does that generally mean when it's used in</p> <p>12 Civix's materials?</p> <p>13 A That it can receive information a number of ways,</p> <p>14 that it would recognize that information and ingest</p> <p>15 that information.</p> <p>16 Q Does it mean that it integrates with the election</p> <p>17 management system services that Civix already sells</p> <p>18 or with the election management system that a</p> <p>19 jurisdiction may already use?</p> <p>20 A I think the material indicates that it's both,</p> <p>21 and/or.</p> <p>22 Q Sir, I think you've already told me this, but if</p> <p>23 you don't mind repeating. Are you aware that this</p> <p>24 product is being used in any jurisdiction right</p> <p>25 now?</p>	<p style="text-align: right;">Page 50</p> <p>1 A I am not.</p> <p>2 MS. BRANDT-YOUNG: Okay. I'd just like to</p> <p>3 pause for a minute. Michele, could we go off</p> <p>4 record for just a minute or two? It won't take</p> <p>5 long. Why don't we take a five-minute break. Is</p> <p>6 that okay?</p> <p>7 THE REPORTER: Sure.</p> <p>8 THE WITNESS: Okay.</p> <p>9 MS. BRANDT-YOUNG: Great. Thank you.</p> <p>10 (A brief recess was taken.)</p> <p>11 Q So, Mr. Fahey, have you ever heard the abbreviation</p> <p>12 SSR used in communications around your work for</p> <p>13 Indiana?</p> <p>14 A Yes.</p> <p>15 Q What does that stand for?</p> <p>16 A System service request.</p> <p>17 Q And you mentioned earlier that Civix is currently</p> <p>18 adding a joint registration and absentee ballot</p> <p>19 request form for voters with print disabilities to</p> <p>20 IndianaVoters.com; is that correct?</p> <p>21 A Correct.</p> <p>22 Q When will the HTML version of that form go live?</p> <p>23 A Tentatively next week sometime. It's in QA right</p> <p>24 now being reviewed. QA, quality assurance. Sorry.</p> <p>25 Q Is the goal date for that April 18?</p>
<p style="text-align: right;">Page 51</p> <p>1 A The week of April 18, so that is next week.</p> <p>2 Q The week of April 18?</p> <p>3 A Yes.</p> <p>4 Q If I had a voter chomping at the bit to use that,</p> <p>5 what date shall I tell her?</p> <p>6 A The week of April 18. Sorry.</p> <p>7 Q Not a problem.</p> <p>8 A And I should clarify. That project, if you will,</p> <p>9 was split into two. One portion of it has been</p> <p>10 implemented into production, and that is the piece</p> <p>11 within SVRS that allows a county user to document</p> <p>12 the use of the combined form. The piece that</p> <p>13 you're referring to, the HTML public-facing site,</p> <p>14 is the piece to be released next week.</p> <p>15 Q So is it fair to say that if a voter completed a</p> <p>16 paper registration form for the accessible process</p> <p>17 that the counties can process that now today as a</p> <p>18 result of what you just said? Is that right?</p> <p>19 A Correct.</p> <p>20 Q All right. Thank you.</p> <p>21 MS. BRANDT-YOUNG: So at this time we're going</p> <p>22 to suspend questioning of this witness and put a</p> <p>23 couple of understandings of counsel on the record.</p> <p>24 The first understanding is that Exhibit 2,</p> <p>25 Civix-EBallot-Solution.pdf, is a fair and accurate</p>	<p style="text-align: right;">Page 52</p> <p>1 representation of a document that's currently</p> <p>2 available at</p> <p>3 https://gocivix.com/wp-content/uploads/</p> <p>4 Civix-EBallot-Solution.pdf and that that is</p> <p>5 accurately described as Civix's website.</p> <p>6 Counselor, do I have that right?</p> <p>7 MS. CACIOPPO: Yes.</p> <p>8 MS. BRANDT-YOUNG: Any objection?</p> <p>9 MS. CACIOPPO: No objections.</p> <p>10 MS. BRANDT-YOUNG: Thank you. We'd also like</p> <p>11 to note for the record that questioning of this</p> <p>12 witness will resume on April 26 at 1:00 Eastern for</p> <p>13 at least two hours and we'd also like to note that</p> <p>14 fifty-one minutes or thereabouts of today's</p> <p>15 deposition have gone unused and that Civix and the</p> <p>16 parties will strive together to schedule a mutually</p> <p>17 agreeable time to continue discussion of Exhibit 2,</p> <p>18 subject to Civix's objections that this topic is</p> <p>19 overly broad or outside the scope of the notice.</p> <p>20 Counselor, are there any further refinements</p> <p>21 you'd like to put on the record?</p> <p>22 MS. CACIOPPO: The only refinement is that</p> <p>23 Mr. Fahey's time for April 26 will be two hours. I</p> <p>24 believe you said at least two hours.</p> <p>25 MS. BRANDT-YOUNG: Let's put it this way.</p>

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<p>1 Mr. Fahey's time will unquestionably two hours and</p> <p>2 up to an additional fifty-one minutes of deposition</p> <p>3 time with a Civix witness who may turn out to be</p> <p>4 Mr. Fahey but may not, are currently the subject of</p> <p>5 negotiations as previously discussed. So if</p> <p>6 Mr. Fahey gets redesignated then it would be more</p> <p>7 than two hours, but that's really up to Civix.</p> <p>8 MS. CACIOPPO: Okay. I didn't understand</p> <p>9 that's what you were saying. We agree there will</p> <p>10 be testimony that will be outside of the two hours</p> <p>11 and Mr. Fahey will be available on the 26th.</p> <p>12 MS. BRANDT-YOUNG: All right. Thank you very</p> <p>13 much.</p> <p>14 Is there anything else that we should try to</p> <p>15 accomplish today on the record together?</p> <p>16 MS. ABSHIRE: Nothing from Defendants.</p> <p>17 MS. BRANDT-YOUNG: All right. Well, in that</p> <p>18 case I believe that we're done for today.</p> <p>19 Mr. Fahey, we'll see you again on the 26th. We</p> <p>20 really appreciate you explaining all these things</p> <p>21 to us. It's extremely helpful.</p> <p>22 THE WITNESS: Thank you very much. It's been</p> <p>23 a pleasant Friday afternoon.</p> <p>24 MS. BRANDT-YOUNG: Ours too. Thank you. We</p> <p>25 appreciate it.</p>	<p>1 All right. Everybody have a lovely afternoon</p> <p>2 and a lovely weekend and we look forward to</p> <p>3 speaking with you again.</p> <p>4 MS. CACIOPPO: Thank you.</p> <p>5 (The deposition was adjourned at 2:35 p.m. on</p> <p>6 Friday, April 15, 2022, to be reconvened on</p> <p>7 Tuesday, April 26, 2022, at 1:00 p.m.)</p>
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<p>1 (The deposition was reconvened on Tuesday,</p> <p>2 April 26, 2022, at 1:03 p.m.)</p> <p>3 THE REPORTER: My name is Michele Gustafson,</p> <p>4 an associate of Stewart Richardson Deposition</p> <p>5 Services, located at One Indiana Square,</p> <p>6 Suite 2425, Indianapolis, Indiana. Today's date is</p> <p>7 April 26, 2022. The time is 1:03 p.m. This</p> <p>8 deposition is being held via Zoom. The deponent's</p> <p>9 name is Sean Fahey.</p> <p>10 Will counsel please identify themselves and</p> <p>11 any persons present with you for the record.</p> <p>12 MS. BRANDT-YOUNG: Christina Brandt-Young,</p> <p>13 Disability Rights Advocates, appearing for the</p> <p>14 plaintiffs.</p> <p>15 MS. BICHELL: Rosa Lee Bichell from</p> <p>16 Disability Rights Advocates, also for the</p> <p>17 plaintiffs.</p> <p>18 MS. REICHMAN: Madeleine Reichman, also with</p> <p>19 Disability Rights Advocates, also with the</p> <p>20 plaintiffs.</p> <p>21 MS. ABSHIRE: Courtney Abshire, Office of the</p> <p>22 Indiana Attorney General, on behalf of Defendants.</p> <p>23 MS. CACIOPPO: Jayna Cacioppo from Taft law</p> <p>24 firm on behalf of the witness and Civix.</p> <p>25 MS. LEONARD: Brittany Leonard, general</p>	<p>1 counsel for Civix.</p> <p>2 THE REPORTER: Sir, if you can raise your</p> <p>3 right hand for me, please.</p> <p>4 SEAN FAHEY</p> <p>5 having been first duly sworn to tell the truth, the</p> <p>6 whole truth, and nothing but the truth took the stand</p> <p>7 and testified as follows:</p> <p>8 THE WITNESS: I do.</p> <p>9 MS. BRANDT-YOUNG: Excellent. Let's put on</p> <p>10 the record that this is the third installment of</p> <p>11 the 30(b)(6) deposition of Civix and for today we</p> <p>12 have two hours and thirteen minutes of time</p> <p>13 remaining on the record.</p> <p>14 Counsel, do I have that right?</p> <p>15 MS. CACIOPPO: That's correct.</p> <p>16 MS. BRANDT-YOUNG: Thank you.</p> <p>17 DIRECT EXAMINATION (CONTINUING)</p> <p>18 BY MS. BRANDT-YOUNG:</p> <p>19 Q So, Mr. Fahey, it's good to see you again. Thank</p> <p>20 you for coming to meet with us again. I know that</p> <p>21 you're having one of those back-to-back meeting</p> <p>22 days, so thank you very much for being here.</p> <p>23 A You're welcome.</p> <p>24 Q Just to review some of the provisions from last</p> <p>25 time. You'll recall that since this is a</p>

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1 deposition we need you to give verbal responses to
2 questions on the record, that we need to be careful
3 not to speak over each other so that the court
4 reporter can take down what everyone is saying
5 accurately. Please tell me if you don't understand
6 my question. If you need to take a break at any
7 time, please don't hesitate to say so. We'll
8 finish the question that we're doing and then we'll
9 take a break.
10 Is all of that okay?
11 A It is.
12 Q Thank you. Where are you located today?
13 A I'm in my office in Indianapolis.
14 Q Is anyone else in the room with you?
15 A They are not.
16 Q Do you have any documents with you?
17 A I do not.
18 Q We'd like to note for the record that we're hoping
19 that the witness will not look at any documents
20 other than the exhibits. Sorry. Go ahead.
21 A I'm sorry. I did see just prior to this that there
22 were some documents sent over. I assume I should
23 open those, as they may be referenced?
24 Q That's correct, sir. Please open them as they are
25 referenced and while they're under discussion, and

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1 little while here is what work is being done. You
2 may not be aware of all the work being done
3 obviously, so we're just going to talk about
4 various facets that could be done and I'll ask you
5 are you aware of any work being done on that and is
6 Civix working on it. Does that make sense?
7 A It does.
8 Q Great. So there are certain state-level documents
9 or forms that need to be developed in order to
10 comply with SEA 398. Are you aware of the State
11 developing a form or document that enables voters
12 with print disabilities to register as a voter with
13 a print disability and apply for an absentee ballot
14 under the voters with print disabilities program?
15 A I am, yes.
16 Q And what, if anything, is Civix doing to assist in
17 development of that document?
18 A We did not assist with the development of that
19 document. However, we were given that document as
20 the State was developing it and as it was approved
21 by forms management.
22 Q Is it fair to say that that document, there's a
23 final version of it?
24 A There is a version of it. Final's a tricky word in
25 the world of state forms, but yes, forms management

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1 then any document that's not under discussion you
2 won't look at unless you tell us that you're doing
3 so because you need to refresh your recollection
4 about something. Does that make sense?
5 A Yes. Thank you.
6 Q Thank you. And you're not using any devices other
7 than the computer on which this deposition is being
8 taken, no one's passing you notes, making gestures,
9 otherwise coaching through your phone, or anything
10 like that?
11 A Correct.
12 Q All right. Thank you very much, sir. So let's
13 resume. Are you familiar with Indiana Senate
14 Enrolled Act 398 of 2021 as it relates to voters
15 with print disabilities?
16 A Yes.
17 Q Is it fair to say that in order to comply with that
18 Act as it relates to voters with print disabilities
19 that the State of Indiana has to do some work in
20 order to comply with it?
21 A That is my understanding, yes.
22 Q Is Civix assisting the State of Indiana with some
23 of that work?
24 A We're doing work at their direction, yes.
25 Q Thank you. So what we're going to discuss for a

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1 did produce a version of it.
2 Q Is it fair to say forms management produced a
3 version of it that is being distributed to the
4 public now?
5 A Correct. Yes, there is.
6 Q I appreciate that as a computer person you may have
7 much more technical words for all of the documents
8 that we're talking about here, so please don't
9 hesitate to be more specific if you need to be.
10 A Okay.
11 Q Fair to say that forms management produced a .pdf
12 version of that document?
13 A They have.
14 Q Fair to say that that document is up on the State's
15 voting website in a section where people can find
16 voting-related forms?
17 A It is. If you're referring to the State's voting
18 website, IndianaVoters.com, it is linked from
19 there. It actually is hosted on forms.in.gov,
20 which is the State's forms site.
21 Q Got it. And is it also fair to say that at some
22 point Civix was tasked with developing an online
23 HTML version of that form that would integrate with
24 the portions of the SVRS that Civix already helps
25 to administer for Indiana?

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<p>1 A That is correct.</p> <p>2 Q We'll discuss that more later.</p> <p>3 A Okay.</p> <p>4 Q Are you aware of the State or any entity working on</p> <p>5 behalf of the State developing a former document</p> <p>6 that constitutes the statewide absentee voter bill</p> <p>7 of rights that is specific for voters with print</p> <p>8 disabilities?</p> <p>9 A That does not ring a bell.</p> <p>10 Q Are you aware of the State producing an accessible</p> <p>11 version of that document, the absentee voter bill</p> <p>12 of rights, that is formatted in the ways that are</p> <p>13 necessary so that voters with print disabilities</p> <p>14 can read it with the assistive technology they use?</p> <p>15 A That does not ring a bell, no.</p> <p>16 Q Are you aware of the State coming up with a secrecy</p> <p>17 waiver form that would go along with a faxed or</p> <p>18 e-mailed ballot that is specific to the program for</p> <p>19 voters with print disabilities?</p> <p>20 A Yes.</p> <p>21 Q What formats are you aware of a form like that</p> <p>22 being developed in, either final or in the planning</p> <p>23 stages?</p> <p>24 A If you're talking the file format, like .pdf?</p> <p>25 Q Yes, please.</p>	<p>1 A Yes. I believe that one is in .pdf. I don't</p> <p>2 recall if that's able to be produced as a Word</p> <p>3 document, but I'm pretty certain it's a .pdf.</p> <p>4 Q Is the secrecy waiver also known as the ABS-25 form</p> <p>5 when voters with print disabilities are involved?</p> <p>6 A I believe it is. I don't have form numbers</p> <p>7 memorized, but that does sound accurate.</p> <p>8 Q Is Civix developing any sort of HTML version of the</p> <p>9 secrecy waiver for use by voters with print</p> <p>10 disabilities?</p> <p>11 A I don't recall there being an HTML version of that.</p> <p>12 As I recall, that is produced after the</p> <p>13 application's submitted.</p> <p>14 Q Then in order for a voter to cast an absentee</p> <p>15 ballot there are also certain documents or forms</p> <p>16 that are usually produced and are specific to the</p> <p>17 county level, so I wanted to talk to you about</p> <p>18 those. Are you aware of anyone at all associated</p> <p>19 with this process being directed to or trying to</p> <p>20 develop ballots for absentee voting that are usable</p> <p>21 by voters with print disabilities and the assistive</p> <p>22 technology they use on their computers?</p> <p>23 A I am not. Ballots and voting are outside of our</p> <p>24 scope.</p> <p>25 Q So fair to say that you're not aware of anyone</p>
Page 63	Page 64
<p>1 working on that?</p> <p>2 A I am not.</p> <p>3 Q And Civix is not working on that?</p> <p>4 A Correct.</p> <p>5 Q Has anyone ever discussed with Civix doing that</p> <p>6 type of work in the future on ballots to make them</p> <p>7 accessible?</p> <p>8 A Has anyone? That's pretty broad. I don't know.</p> <p>9 Q I can rephrase the question, sir. Has anyone with</p> <p>10 authority to negotiate with the State of Indiana</p> <p>11 approached Civix about possibly helping to make</p> <p>12 ballots accessible to people with disabilities in</p> <p>13 the future?</p> <p>14 A Not that I'm aware of, no.</p> <p>15 Q Some counties produce local county-specific</p> <p>16 instructions that are part of the absentee voting</p> <p>17 process. Are you aware of anyone within the sort</p> <p>18 of Indiana voting ecosystem doing any work to make</p> <p>19 those county-specific instructions accessible to</p> <p>20 voters with print disabilities?</p> <p>21 A I am not.</p> <p>22 Q Has anyone discussed with Civix doing that kind of</p> <p>23 work in the future?</p> <p>24 A No, they have not.</p> <p>25 Q Are you aware of anyone currently working to</p>	<p>1 develop guidance and training to county boards of</p> <p>2 elections on how to create ballots and local</p> <p>3 county-specific instructions in a format or version</p> <p>4 that's accessible to voters with print disabilities</p> <p>5 and the assistive technology they use on their</p> <p>6 computers?</p> <p>7 A I am not.</p> <p>8 Q Has anyone ever discussed with Civix doing that in</p> <p>9 the future?</p> <p>10 A Not that I'm aware of, no.</p> <p>11 Q Are you aware of anyone working with counties to</p> <p>12 hire contractors to produce the ballots or the</p> <p>13 county-specific instructions in any accessible</p> <p>14 format for voters with print disabilities?</p> <p>15 A I am not aware of that, no.</p> <p>16 Q Has anyone approached Civix about maybe doing that</p> <p>17 kind of work in the future?</p> <p>18 A Not that I'm aware of, no.</p> <p>19 Q Well, and I want to make sure that I've thought</p> <p>20 through with you the different formats that that</p> <p>21 might encompass. For instance, are you aware of</p> <p>22 anyone helping contractors to produce accessible</p> <p>23 .pdf ballots and county-specific instructions?</p> <p>24 A I am not.</p> <p>25 Q Are you aware of anyone being approached about</p>

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<p>1 creating accessible ballots in an HTML format?</p> <p>2 A I'm not aware of that, no.</p> <p>3 Q Has Civix ever been approached about that?</p> <p>4 A As it relates to Indiana, no, I'm not aware of</p> <p>5 that.</p> <p>6 Q Okay. Is it fair to say that in order to have</p> <p>7 voters with print disabilities recognized as a</p> <p>8 category to participate in the e-mail and fax</p> <p>9 voting program that work needed to be done to</p> <p>10 update the local voter registration system election</p> <p>11 management module?</p> <p>12 A I'm not sure what you're referring to when you said</p> <p>13 local voter registration system what you meant.</p> <p>14 Q What I meant was: Did the category of voter with a</p> <p>15 print disability need to be created within SVRS so</p> <p>16 that counties could identify and cooperate with</p> <p>17 voters with print disabilities and give them</p> <p>18 specific voting options?</p> <p>19 A Yes. SVRS was modified to include voter with print</p> <p>20 disability absentee requests as a category.</p> <p>21 Q And can you give us a broad layperson's overview of</p> <p>22 what work needed to be done in order to enable</p> <p>23 that?</p> <p>24 A Sure. Well, high level, an absentee application,</p> <p>25 an entry was added to the dropdown to indicate</p>	<p>1 voter with print disability application and there</p> <p>2 was a NVRA code, a tracking code, specific to that</p> <p>3 type that was added to the system. That was done</p> <p>4 early on to enable counties that may receive an</p> <p>5 application from a voter to document that, record</p> <p>6 it, and then later be able to report on that as a</p> <p>7 distinct type of absentee application that was</p> <p>8 received.</p> <p>9 Q Is that work complete now?</p> <p>10 A The work was done in two parts, so I'll answer that</p> <p>11 in two parts. The first part, adding the</p> <p>12 capability for a county user to record that, is</p> <p>13 complete. Was released in March I think was the</p> <p>14 rough timeline. Then more recently the work to</p> <p>15 make that form available in an HTML format that can</p> <p>16 be submitted and then conveyed to a county was</p> <p>17 released just last week and so that is complete in</p> <p>18 the sense that that was released, and now we are</p> <p>19 assessing any changes or enhancements that will</p> <p>20 come out in the next version.</p> <p>21 Q From the voter perspective, is it fair to say that</p> <p>22 the form available to voters with print</p> <p>23 disabilities in order to participate in this</p> <p>24 absentee voting program by fax and via e-mail, the</p> <p>25 current form enables a voter both to register to</p>
Page 67	Page 68
<p>1 vote for the first time and to request this</p> <p>2 accessible absentee ballot? Is that fair?</p> <p>3 A Yes.</p> <p>4 Q Is there any plan to develop a form that only does</p> <p>5 one of those things, to allow an already registered</p> <p>6 voter to request just the absentee ballot?</p> <p>7 A That is possible from the site today. A current</p> <p>8 voter can authenticate to their portal and request</p> <p>9 that absentee ballot through the combined form.</p> <p>10 Q I guess what I meant was: Does that HTML</p> <p>11 capability enable the voter to just skip all the</p> <p>12 voter registration aspects then if they've already</p> <p>13 registered and don't need them?</p> <p>14 A There is a radio button to indicate what it is they</p> <p>15 want to do. I think one of the --</p> <p>16 Q Okay.</p> <p>17 A Sorry. Just to elaborate on your question a little</p> <p>18 bit. When I reference ways to improve upon that, I</p> <p>19 think that's a consideration of how we present that</p> <p>20 to the voter, is there a more efficient way to do</p> <p>21 that. It is a capability today, probably an</p> <p>22 approved method.</p> <p>23 Q Are you aware of any entity working at the state or</p> <p>24 county level or on behalf of the State or counties</p> <p>25 right now to educate voters with print disabilities</p>	<p>1 about these options beyond the placement of these</p> <p>2 forms or documents on the State's voter document</p> <p>3 page or IndianaVoters.com?</p> <p>4 A No, I'm not.</p> <p>5 Q Okay. So stepping back a little bit. When did</p> <p>6 Civix or any of its predecessor companies first</p> <p>7 enter into a contract with the State of Indiana or</p> <p>8 any of its subdivisions relating to voting?</p> <p>9 A Oh, goodness. I can't speak for all of our</p> <p>10 contracts, but predecessor companies that I was</p> <p>11 associated with that was acquired subsequently</p> <p>12 ultimately by Civix was working in the voting space</p> <p>13 dating back to the late 1990s. So it's been quite</p> <p>14 a long time.</p> <p>15 Q Do you know how long it's been with the State of</p> <p>16 Indiana and Civix or its predecessor companies?</p> <p>17 A And that would be the relationship that I would be</p> <p>18 referring to is Indiana with the predecessor</p> <p>19 company. They were doing some work for the</p> <p>20 Secretary of State's office in the late 1990s and</p> <p>21 subsequently were contracted to create the</p> <p>22 Statewide Voter Registration System.</p> <p>23 Q Okay.</p> <p>24 A And that would have been about the HAVA timeline to</p> <p>25 be live to meet the HAVA guidelines in 2005,</p>

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<p>1 December 2005.</p> <p>2 Q Fair to say that there have been contracts between</p> <p>3 Indiana and Civix ever since?</p> <p>4 A Yes.</p> <p>5 Q Can you summarize how often those contracts have</p> <p>6 been entered into or renewed?</p> <p>7 A They follow the State's fiscal year, so every</p> <p>8 two years.</p> <p>9 Q What is the financial value of one of those</p> <p>10 two-year contracts around the state voter</p> <p>11 registration service on average, do you think?</p> <p>12 A I think the latest one was turned over in</p> <p>13 discovery. I don't remember the exact number, but</p> <p>14 ballpark around \$2 million a year including all the</p> <p>15 services.</p> <p>16 MS. BRANDT-YOUNG: So speaking of that</p> <p>17 contract, let's mark as Exhibit 3 a document</p> <p>18 Bates stamped as CIVIX472.</p> <p>19 Q Sir, if you'd like to try and find that document so</p> <p>20 you can follow along, I'm also going to share</p> <p>21 screen with it.</p> <p>22 A Okay.</p> <p>23 Q There we go, sir. Do you see a document that</p> <p>24 across the top says Professional Services Contract,</p> <p>25 Contract #54912?</p>	<p>1 A I do.</p> <p>2 Q I know it's 127 pages long, but if you can just</p> <p>3 look through it and tell me if you think that this</p> <p>4 is the most recent SVRS contract between Civix and</p> <p>5 Indiana that you just mentioned. Take the time you</p> <p>6 need in order to do that.</p> <p>7 A Generally I can agree, yes, it is.</p> <p>8 Q Great. So I just want to look at a couple of</p> <p>9 specific pages. If you look at .pdf page 37.</p> <p>10 A (The witness complied.)</p> <p>11 Q Fair to say this was signed by all parties on or</p> <p>12 about June 23, 2021?</p> <p>13 A Yes.</p> <p>14 Q It is signed via DocuSign?</p> <p>15 A Yes, I believe that was the technology used.</p> <p>16 Q And looking at .pdf page 44, the timeline for this</p> <p>17 is that it covers July 1, 2021, to June 30, 2022?</p> <p>18 A Correct.</p> <p>19 Q Do you have any reason to think that the numbers in</p> <p>20 this document around the costs of the various</p> <p>21 services? They appear on a number of pages. We</p> <p>22 can go through them if you need to. Are you aware</p> <p>23 of any corrections that had to be made to this</p> <p>24 contract because the amounts were wrong?</p> <p>25 A These amounts were accurate as of the time this was</p>
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<p>1 signed, yes.</p> <p>2 Q Thank you.</p> <p>3 MS. BRANDT-YOUNG: So we'll move on from that</p> <p>4 document and we'll mark as Exhibit 4 a document</p> <p>5 that has the file name ACBI7461.</p> <p>6 Q First of all, sir, do you see a document that's</p> <p>7 entitled at the top Indiana Statewide Voter</p> <p>8 Registration System Modernization Project,</p> <p>9 Amendment 3--SOW 3, Voters with Print Disabilities</p> <p>10 Form (ABS-VPD)? You see that?</p> <p>11 A I do, yes.</p> <p>12 Q Do you recognize this document?</p> <p>13 A I do.</p> <p>14 Q What is it?</p> <p>15 A This is a Statement of Work which conveys the</p> <p>16 amount of funds to be allocated for the work Civix</p> <p>17 is to do to update the Statewide Voter Registration</p> <p>18 System to accommodate the recording of ABS-VPD</p> <p>19 requests and to create the HTML version of that.</p> <p>20 Q And so is it fair to say that this is an amendment</p> <p>21 of the two-year contract we just saw?</p> <p>22 A Not strictly. There was an Amendment 3 that was</p> <p>23 previously processed which gives the State then the</p> <p>24 ability to approve statements of work thereunder.</p> <p>25 So this isn't an amendment. This is just a</p>	<p>1 Statement of Work as contemplated in Amendment 3.</p> <p>2 Q Okay.</p> <p>3 A I'm talking to a bunch of lawyers and I know I</p> <p>4 probably just got that all wrong, but that's my</p> <p>5 layman's, that's how we interpret this.</p> <p>6 MS. BRANDT-YOUNG: Well, to the extent that</p> <p>7 Amendment 3 has not already been provided to the</p> <p>8 plaintiffs, we're going to request it now.</p> <p>9 Q Looking through this document in a little more</p> <p>10 detail. Looking on this very first bullet point</p> <p>11 here in the middle of page 1 where it says</p> <p>12 Print Disabled Voters Form Submission from</p> <p>13 Indiana Voters FSD version 1.0 (EA). Do you see</p> <p>14 that?</p> <p>15 A I do.</p> <p>16 Q What does FSD stand for?</p> <p>17 A Functional design document.</p> <p>18 Q Okay.</p> <p>19 A Functional system design. Excuse me.</p> <p>20 Q Looking at the bottom of page 2. When I look at</p> <p>21 this, it looks like it's been signed by Civix but</p> <p>22 there are no signatures from the client side, from</p> <p>23 Jay Phelps or J. Bradley King or Angela M.</p> <p>24 Nussmeyer. Do you agree with that?</p> <p>25 A Yes.</p>

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<p>1 Q Was this document ever countersigned by anyone at</p> <p>2 the State of Indiana?</p> <p>3 A I'd have to look and find a copy of that. I don't</p> <p>4 recall off the top of my head. I know we were</p> <p>5 given a verbal approval.</p> <p>6 Q When you look at this document, do you think it's</p> <p>7 the most recent version of this document?</p> <p>8 A Yes.</p> <p>9 MS. BRANDT-YOUNG: So to the extent that there</p> <p>10 is a physically countersigned document, we're going</p> <p>11 to request that. If there's a more final in any</p> <p>12 way version of this document, we're going to</p> <p>13 request it.</p> <p>14 Q Looking at page 2 under M6, Delivery of code into</p> <p>15 the Production environment, what does that mean?</p> <p>16 A That's what I was referencing as the portion that</p> <p>17 was deployed last week, the public site portion of</p> <p>18 the application.</p> <p>19 Q So what this means is that the code would be</p> <p>20 available to the general public to use; is that</p> <p>21 correct?</p> <p>22 A Correct.</p> <p>23 Q And the goal date was the week of April 18, 2022;</p> <p>24 is that correct?</p> <p>25 A Correct.</p>	<p>1 Q Thank you. Does Civix have any other contracts</p> <p>2 with Indiana right now for work specifically</p> <p>3 related to absentee voters with print disabilities</p> <p>4 or is this the one that's specific to that or is</p> <p>5 there only one and this is the one?</p> <p>6 A This is the one.</p> <p>7 Q Are there any other contracts related to voters</p> <p>8 with print disabilities under discussion or</p> <p>9 contemplated in any way?</p> <p>10 A No.</p> <p>11 Q Is Civix doing any such work without having a</p> <p>12 contract for it?</p> <p>13 A No.</p> <p>14 MS. BRANDT-YOUNG: All right. So let's mark</p> <p>15 as Exhibit 5 a document with the file name</p> <p>16 ACBI7341.</p> <p>17 Q Sir, do you have that document open and do you see</p> <p>18 something with a title page that says Voters with</p> <p>19 Print Disabilities Form (ABS-VPD) Electronic</p> <p>20 Submission through Indiana Voters,</p> <p>21 Functional Specification Document FSD-01, Civix,</p> <p>22 Version 0.6, February 23rd, 2022?</p> <p>23 A I do.</p> <p>24 Q Great. Is this the functional specification</p> <p>25 document that was referred to in the contract that</p>
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<p>1 we were just looking at?</p> <p>2 A I believe so, although it's saying Version 0.6.</p> <p>3 Think that may have not been updated when the above</p> <p>4 reference was updated to 01, so I want to</p> <p>5 crosscheck that because there were several</p> <p>6 versions.</p> <p>7 Q I guess this is my question: What does Version 0.6</p> <p>8 mean? Is there a later version somewhere?</p> <p>9 A No. There were several iterations of this where</p> <p>10 the State made changes. The final version was</p> <p>11 updated to Version 1, which is referenced on the</p> <p>12 Statement of Work that we just reviewed. I think</p> <p>13 in looking at this more closely, that</p> <p>14 Functional Specification Document, FSD-01, would</p> <p>15 indicate that this is that version. I think the</p> <p>16 below reference to Version 0.6 is just a typo from</p> <p>17 another version. Yes, this does look like the</p> <p>18 final version that the SOW is referencing.</p> <p>19 And I think I referred to the FSD as a system</p> <p>20 design document. Obviously specification document</p> <p>21 is synonymous. Sorry.</p> <p>22 Q No, that's fine. So if you could just take a quick</p> <p>23 glance through the document and confirm that it's</p> <p>24 the final version as far as you know.</p> <p>25 MS. BRANDT-YOUNG: If it's not the final</p>	<p>1 version, then Plaintiffs request the final version.</p> <p>2 Q If you could just take a spin through it and check</p> <p>3 for us, I would appreciate that.</p> <p>4 A I believe this is the final version, yes.</p> <p>5 Q Thank you.</p> <p>6 THE WITNESS: Christina, if you'll forgive me</p> <p>7 for a second, my earbuds are about to die so I'm</p> <p>8 going to change audio.</p> <p>9 MS. BRANDT-YOUNG: That's fine. Do we need to</p> <p>10 take a break or shall we just hold off on the next</p> <p>11 question until you tell me you're ready?</p> <p>12 THE WITNESS: If I come back, this method will</p> <p>13 work. Can you hear me?</p> <p>14 MS. BRANDT-YOUNG: I can hear you. Can you</p> <p>15 hear me?</p> <p>16 THE WITNESS: Works, yes. Thank you.</p> <p>17 MS. BRANDT-YOUNG: Great. We're in business?</p> <p>18 THE WITNESS: Yes.</p> <p>19 MS. BRANDT-YOUNG: Thank you.</p> <p>20 Q All right. So let's look at .pdf page 3.</p> <p>21 A Okay.</p> <p>22 Q So looking at the fifth bullet point on page 3,</p> <p>23 which I have endeavored to try and highlight in the</p> <p>24 screen share, what it says is, An approved version</p> <p>25 of the ABS-25 that should be utilized for</p>

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<p>1 development will be provided by the state.</p> <p>2 This is in a list of assumptions under this</p> <p>3 document. Can you tell us what the ABS-25 is?</p> <p>4 A Off the top of my head, like I said, I don't</p> <p>5 memorize the form numbers, so I'd have to look that</p> <p>6 up. You had referenced that previously as the</p> <p>7 secrecy waiver; right?</p> <p>8 Q That's what I believe.</p> <p>9 A Okay.</p> <p>10 Q Does that sound at least plausible here?</p> <p>11 A It does, yes.</p> <p>12 Q And so when this says an approved version of the</p> <p>13 ABS-25 that should be utilized for development will</p> <p>14 be provided by the state, what does that mean?</p> <p>15 A At that time, at the time this FSD was developed,</p> <p>16 we did not have a final form, and so they were to</p> <p>17 provide that in the course of development so that</p> <p>18 it could be incorporated into the project.</p> <p>19 Q When it is incorporated into the project, what form</p> <p>20 will that take? What will Civix do to it and for</p> <p>21 what purpose?</p> <p>22 A Typically it's a .pdf that needs to be produced.</p> <p>23 As I said before, I think that is the case here is</p> <p>24 if the voter's request scenario meets the criteria,</p> <p>25 the system would generate that waiver, the ABS-25.</p>	<p>1 Q So I'm so sorry, sir. I'm just having a hard time</p> <p>2 hearing you.</p> <p>3 A Sorry.</p> <p>4 Q Can you say that again for me, please.</p> <p>5 A Sorry.</p> <p>6 Q Thank you.</p> <p>7 A If the voter's request meets the criteria outlined,</p> <p>8 the system would allow for that form to be</p> <p>9 generated in a .pdf format.</p> <p>10 Q Under what circumstances and for what purpose?</p> <p>11 A The circumstances are a voter that has requested an</p> <p>12 e-mail or fax vote-by method.</p> <p>13 Q So if a voter with a print disability requests an</p> <p>14 accessible absentee voting process, where does the</p> <p>15 ABS-25 form come in?</p> <p>16 A Sure. So the request for the ballot is recorded in</p> <p>17 SVRS at the county level, and at that point if</p> <p>18 those criteria are met the label for the outgoing</p> <p>19 mail and this form are generated but then the</p> <p>20 county would compile that and send that ballot out</p> <p>21 at that time.</p> <p>22 Q When you say that the label and the e-mail would be</p> <p>23 generated, tell me more about that, please. I</p> <p>24 don't think I'm familiar with that underlying</p> <p>25 process.</p>
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<p>1 A SVRS does not generate a ballot. It just records</p> <p>2 that a request was made and it records that a</p> <p>3 ballot was sent, the transaction took place, but</p> <p>4 then the process actually of mailing that or</p> <p>5 e-mailing that takes place at the local level.</p> <p>6 It's not something that SVRS is involved in. It</p> <p>7 just records that that transaction did take place.</p> <p>8 Q And how does the ABS-25 form get sent to the voter?</p> <p>9 Is there any aspect of that that SVRS does?</p> <p>10 A It creates a print job -- shouldn't even say</p> <p>11 print -- so it creates that form, that file, for</p> <p>12 the county user. Whether the county saves that and</p> <p>13 moves it off in some other way or does print that</p> <p>14 physically is at the county level.</p> <p>15 Q So is it fair to say that part of what Civix has</p> <p>16 done is to create a flag for voters with print</p> <p>17 disabilities within the SVRS system that counties</p> <p>18 later use to figure out which documents need to be</p> <p>19 sent to which voters and part of what SVRS will do</p> <p>20 is remind the county that an ABS-25 form needs to</p> <p>21 be sent to a voter with a print disability and</p> <p>22 create sort of an easier software way for the</p> <p>23 county to do that if they remember?</p> <p>24 A I think all of that is true, yes. That is an</p> <p>25 accurate statement, yes.</p>	<p>1 Q All right. Thank you. If we could look at page 4</p> <p>2 under REQUIREMENTS, No. 1. Voters with a print</p> <p>3 disability must be able to use the WCAG 2.1</p> <p>4 compliant website, IndianaVoters.com, to submit a</p> <p>5 combined voter registration application and</p> <p>6 absentee application.</p> <p>7 Do you see that?</p> <p>8 A I do.</p> <p>9 Q What does WCAG 2.1 mean?</p> <p>10 A It is an accessibility standard to which the site</p> <p>11 is built.</p> <p>12 Q Fair to say that's the Web Content Access</p> <p>13 Guidelines of the World Wide Web Consortium?</p> <p>14 A Glad you can remember the acronym, but yes. That</p> <p>15 does sound familiar, yes.</p> <p>16 Q So what is Civix's experience making documents</p> <p>17 accessible according to the WCAG standard?</p> <p>18 A I'm going to torture your term documents a little</p> <p>19 bit.</p> <p>20 Q Okay.</p> <p>21 A We don't make documents accessible. The HTML pages</p> <p>22 are built to a standard, and then as much as we can</p> <p>23 produce those to that standard still oftentimes in</p> <p>24 most cases our clients will test or validate those</p> <p>25 and may ask for remediation if they feel it is not</p>

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<p>1 meeting that standard. Find that the</p> <p>2 interpretation of meeting that standard, as people</p> <p>3 more in that community have told me, there's a part</p> <p>4 of it that is math and science and there's some</p> <p>5 that's art. So we look to our clients typically to</p> <p>6 tell us if the art piece needs adjustment.</p> <p>7 Q What training do Civix staff have in making sure</p> <p>8 that digital content is compliant with WCAG?</p> <p>9 A I defer to development management on the training</p> <p>10 for the developers. In this instance we have a</p> <p>11 site that was developed to a standard, and so</p> <p>12 enhancements to that conform to the overall site</p> <p>13 standard, which dates back to 2017, 2018.</p> <p>14 Q Is it fair to say that you're not aware of what</p> <p>15 training Civix staff have around the WCAG standard?</p> <p>16 A It is fair to say, yes.</p> <p>17 Q All right. Has Civix played a direct role in the</p> <p>18 past helping Indiana make its voting content</p> <p>19 accessible to voters with disabilities?</p> <p>20 A Voting content, think we'd have to break that down</p> <p>21 a little bit further. Sorry. We don't work in</p> <p>22 voting as our understanding would be. It's more to</p> <p>23 ballots and voting. The IndianaVoters.com website,</p> <p>24 that site was developed to a standard. The State</p> <p>25 did test that and there were some issues that were</p>	<p>1 mitigated and it met the at that time WCAG 2.0 A,</p> <p>2 AA, and ultimately AAA standard.</p> <p>3 Q What steps did Civix take in order to make</p> <p>4 IndianaVoters.com compliant with WCAG?</p> <p>5 A So it was developed to the standard initially.</p> <p>6 Then, as I say, the State had that tested by</p> <p>7 another party who identified some changes either to</p> <p>8 address an issue or improve that accessibility, and</p> <p>9 so we did the mitigation work, addressed each of</p> <p>10 those issues.</p> <p>11 Q Was the other party a company called SPR?</p> <p>12 A Yes, I believe so.</p> <p>13 Q And when you say that the site was developed to the</p> <p>14 WCAG standard, what steps did Civix take? How did</p> <p>15 it ensure that it was developed to be compliant</p> <p>16 with the WCAG standards?</p> <p>17 A Well, the tools that our developers use generally</p> <p>18 followed that and we also had run it through a</p> <p>19 automated testing tool off of the -- now I'm going</p> <p>20 to screw up the acronym -- W3 site.</p> <p>21 Q Is there a separate mobile version of any of the</p> <p>22 content on IndianaVoters.com?</p> <p>23 A There is not.</p> <p>24 Q What happens if someone tries to access</p> <p>25 Indiana Voters from a smart phone instead of a</p>
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<p>1 computer? Is there any difference in the</p> <p>2 experience?</p> <p>3 A The screen size.</p> <p>4 Q Otherwise --</p> <p>5 A Not to be --</p> <p>6 Q Go ahead.</p> <p>7 A Sorry. Not to be too flippant, but obviously the</p> <p>8 browser on a phone will lay out the page</p> <p>9 differently, stack content that might otherwise be</p> <p>10 shown left to right.</p> <p>11 Q Should the functionality be the same between the</p> <p>12 mobile version and the sort of what I'm going to</p> <p>13 call the desktop version?</p> <p>14 A Yes. Again, there is no mobile version. It is a</p> <p>15 single site.</p> <p>16 Q Thank you. So the better question would have</p> <p>17 been: Is there any difference in the functionality</p> <p>18 between accessing IndianaVoters.com on a smart</p> <p>19 phone versus on a desktop computer?</p> <p>20 A I can't say that there's no difference. I don't</p> <p>21 control the thousands of permutations of smart</p> <p>22 phones and browsers and browser settings that a</p> <p>23 local user may have, and we have heard issues where</p> <p>24 a voter has some unique setting on their phone that</p> <p>25 changes their experience. No, it is a single site</p>	<p>1 meant to be served up regardless of the device to</p> <p>2 access the same information.</p> <p>3 Q So looking at REQUIREMENTS, No. 5, which says, The</p> <p>4 State of Indiana will be responsible for</p> <p>5 procurement of web accessibility testing for the</p> <p>6 public site scope as well as the PDF form included</p> <p>7 in this FSD and must meet Web Content Accessibility</p> <p>8 Guidelines version 2.1. Civix will be responsible</p> <p>9 for coding the public site changes included in this</p> <p>10 FSD to adhere to the WCAG 2.1 standard.</p> <p>11 Do you see that?</p> <p>12 A I do.</p> <p>13 Q What does that mean?</p> <p>14 A Much like when the site was released that I</p> <p>15 described previously, the State will procure their</p> <p>16 own testing services to validate where WCAG 2.1 is</p> <p>17 met or, if not, what updates need to be made to</p> <p>18 meet that standard.</p> <p>19 Q Are you aware of the State contracting with anyone</p> <p>20 to do that before it went live?</p> <p>21 A No, I'm not.</p> <p>22 Q If you know, did they make any attempts to do that?</p> <p>23 A I believe they are attempting to do that now.</p> <p>24 Q Is it fair to say that before the voters with print</p> <p>25 disabilities form went live on IndianaVoters.com</p>

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<p>1 that no external testing company to the State or</p> <p>2 Civix was used?</p> <p>3 A I think it's fair to say no external was used. I</p> <p>4 believe they had attempted to utilize one that did</p> <p>5 not work out.</p> <p>6 Q Do you know why it didn't work out?</p> <p>7 A Can't say.</p> <p>8 Q Do you know who they attempted to work with?</p> <p>9 A I had heard reference to SPR, the company that had</p> <p>10 previously done the work.</p> <p>11 Q But ultimately that didn't occur?</p> <p>12 A Correct.</p> <p>13 Q Did Civix do any internal testing with the content</p> <p>14 before it went live?</p> <p>15 A Just running it through some automated tools -- I</p> <p>16 don't remember which specifically -- and then</p> <p>17 conforming to the existing standard of the site,</p> <p>18 which speaks to the fonts, contrasts, alt tags that</p> <p>19 the overall site was designed to.</p> <p>20 Q Is it fair to say that Civix believes that the</p> <p>21 ABS-VPD, voters with print disabilities, content</p> <p>22 does comply with WCAG 2.1 right now?</p> <p>23 A I'm not intimately familiar with 2.1, so I couldn't</p> <p>24 say. I think it's safe to say that it complies to</p> <p>25 2.0 because it follows the same standard as the</p>	<p>1 site overall, but I'm not familiar enough with the</p> <p>2 difference between the standards to comment on</p> <p>3 that.</p> <p>4 Q Was there an understanding that the content</p> <p>5 shouldn't go live to the general public unless it</p> <p>6 complied with WCAG 2.1?</p> <p>7 A There was no understanding to that effect.</p> <p>8 Q All right. Let's take a look at .pdf page 8, and I</p> <p>9 was hoping you could look at 21 and 22. Those</p> <p>10 provisions start out with, A new County and</p> <p>11 Statewide report titled "Voters with Print</p> <p>12 Disabilities" will be added to the Voter section of</p> <p>13 SVRS and will be available in PDF and Excel. Then</p> <p>14 Paragraph 22 starts off with, A new County and</p> <p>15 Statewide extract titled "Voters with Print</p> <p>16 Disabilities" will be added to the Data Extract</p> <p>17 section of SVRS and will be available in Excel and</p> <p>18 CSV.</p> <p>19 Do you see those?</p> <p>20 A I do.</p> <p>21 Q Are Excel and CSV the same thing or no?</p> <p>22 A It's a different file format, but the data's the</p> <p>23 same.</p> <p>24 Q And looking at Paragraph 21, when it says a new</p> <p>25 County and Statewide report will be added, what's a</p>
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<p>1 report as opposed to an extract?</p> <p>2 A An extract is typically just raw data as opposed to</p> <p>3 a report which is formatted. Data's the same, it's</p> <p>4 just the layout and the file format.</p> <p>5 Q Why do you need both?</p> <p>6 A It's really a legacy function of SVRS where the</p> <p>7 reports have always been separated from an extract.</p> <p>8 An extract by a user is typically meant for some</p> <p>9 other data analysis, maybe consumption by a</p> <p>10 different application, so it's just raw data</p> <p>11 typically that might otherwise be presented.</p> <p>12 Q Typically because the user wants to manipulate it</p> <p>13 in some way?</p> <p>14 A They want to analyze it, yes, in some way.</p> <p>15 Q I'm afraid I might have interrupted you just now,</p> <p>16 so if you were going to keep explaining please do.</p> <p>17 A No, you're okay. That's all right.</p> <p>18 Q Thank you. Let's see. If you could look at .pdf</p> <p>19 page 23. Do you see that the sort of title of the</p> <p>20 section that starts on this page is called</p> <p>21 Voters with Print Disabled VR Online Hopper?</p> <p>22 A Yes.</p> <p>23 Q What does VR stand for?</p> <p>24 A Voter registration.</p> <p>25 Q What's a hopper?</p>	<p>1 A A hopper is an aspect of SVRS probably most easily</p> <p>2 explained as work items or to-do items for a county</p> <p>3 user. So when a county user logs into SVRS,</p> <p>4 they're presented with a variety of hoppers. Those</p> <p>5 are typically items that they need to either just</p> <p>6 review and be made aware of or may need to act</p> <p>7 upon.</p> <p>8 Q If we could look at page 26, which is the last</p> <p>9 page. From my perspective looking at this, it</p> <p>10 appears that we have signatures on this document</p> <p>11 from all of the relevant people in the State of</p> <p>12 Indiana, Jay Phelps, Bradley King,</p> <p>13 Angela Nussmeyer, but no signature from Civix. Do</p> <p>14 you read this the same way?</p> <p>15 A Yes.</p> <p>16 Q Is there a final signed version of this that was</p> <p>17 countersigned by everyone?</p> <p>18 A I'd have to look. I do not know that there is from</p> <p>19 Civix, because the intent of this is to get</p> <p>20 approval from the State of the content, the scope</p> <p>21 to be developed. I don't know that there's need</p> <p>22 for a Civix approval. As much as we produce the</p> <p>23 document, we're asking the State to approve this so</p> <p>24 that we could then develop a Statement of Work.</p> <p>25 Q Well, and the Statement of Work is the document we</p>

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<p>1 looked at prior to this one; is that right?</p> <p>2 A Correct.</p> <p>3 Q So you have Civix signature on one and the State</p> <p>4 signature on the other and together they tell you</p> <p>5 what needs to be done when and for how much. Fair</p> <p>6 to say?</p> <p>7 A Fair enough, yes.</p> <p>8 MS. BRANDT-YOUNG: So if there is a</p> <p>9 countersigned version of this document or a more</p> <p>10 final version of this document, the plaintiffs</p> <p>11 request it.</p> <p>12 Q Final question here: Is there anything about this</p> <p>13 FSD that suggests that Civix is producing a ballot</p> <p>14 in any way for voters, that it's programming</p> <p>15 anything that would provide ballot information to</p> <p>16 voters?</p> <p>17 A No. We don't produce ballots.</p> <p>18 MS. BRANDT-YOUNG: All right. So let's mark</p> <p>19 as Exhibit 6 a document with the file name</p> <p>20 CIVIX637.</p> <p>21 Q Sir, do you see what appears to be an e-mail dated</p> <p>22 at the top March 29, 2022?</p> <p>23 A I do.</p> <p>24 Q Great. I think that this document may be a little</p> <p>25 difficult to read. For some reason when it was</p>	<p>1 produced electronically it ended up with a font</p> <p>2 size that appears small to me. So let me know if</p> <p>3 you need something enlarged or if you'd like to</p> <p>4 look at your local version in order to understand</p> <p>5 it better. Have you ever seen this before, this</p> <p>6 document?</p> <p>7 A It does ring a bell, yes.</p> <p>8 Q What is it?</p> <p>9 A It is Baker Tilly sending their draft State SOP,</p> <p>10 standard operating procedure, document for review</p> <p>11 by Civix.</p> <p>12 Q Who are the recipients of this e-mail?</p> <p>13 A Well, in addition to myself on carbon copy are</p> <p>14 three of my staff, two of the proficiency managers</p> <p>15 and the program manager on our team.</p> <p>16 Q Who's the sender?</p> <p>17 A Sender is from Baker Tilly. Brandi is a</p> <p>18 representative of Baker Tilly and her two</p> <p>19 colleagues, Seth Cooper and Jack Sanders, are on</p> <p>20 carbon copy.</p> <p>21 Q What is an SOP?</p> <p>22 A Standard operating procedure is a document that the</p> <p>23 State produces to counties to give them direction</p> <p>24 on mostly policy matters and processes.</p> <p>25 Q And when you look at the Attachments line, is it</p>
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<p>1 fair to say there's an SOP document attached to</p> <p>2 this e-mail?</p> <p>3 A Yes.</p> <p>4 Q Do I understand you correctly that the author of an</p> <p>5 SOP is the State?</p> <p>6 A Correct.</p> <p>7 Q And one of the final intended audiences of an SOP</p> <p>8 are the counties?</p> <p>9 A Correct.</p> <p>10 Q What's the purpose of the State sharing an SOP with</p> <p>11 Civix?</p> <p>12 A Civix is asked to review and provide input as the</p> <p>13 system evolves to see if there are any changes that</p> <p>14 need to be incorporated as feedback. So we'll</p> <p>15 typically read through it, make sure the references</p> <p>16 are accurate, if it references any other documents</p> <p>17 or if it's referencing the system that they are</p> <p>18 making true statements.</p> <p>19 Q So do I understand you correctly that part of what</p> <p>20 this SOP does is instruct counties in how to</p> <p>21 interact with the SVRS system and as the final sort</p> <p>22 of authors and keepers of the SVRS system you're</p> <p>23 here to make sure that those descriptions are</p> <p>24 correct?</p> <p>25 A Yes.</p>	<p>1 Q Thank you. That's very helpful. Looking at this</p> <p>2 e-mail, is it fair to say that the SOP that was</p> <p>3 attached to it was a draft one, not the final one?</p> <p>4 A Correct.</p> <p>5 Q Do you know if there is a final version of that</p> <p>6 SOP? Was that ever developed?</p> <p>7 A I'm not immediately familiar with the status of</p> <p>8 that. That'd be a State/Baker Tilly question.</p> <p>9 Q Did Civix provide any alterations to the SOP that</p> <p>10 was attached to this e-mail?</p> <p>11 A I don't recall off the top of my head. Sorry.</p> <p>12 MS. BRANDT-YOUNG: So Plaintiffs are going to</p> <p>13 request both from Civix and the State the most</p> <p>14 current version of this SOP.</p> <p>15 All right. So I'd like to ask the court</p> <p>16 reporter to mark as Exhibit 7 a document with the</p> <p>17 title CIVIX193.</p> <p>18 Q Sir, do you see a document that at the top has a</p> <p>19 line saying Purpose, This SOP provides guidance to</p> <p>20 ongoing absentee applications from voters with</p> <p>21 print disabilities in SVRS using the state form</p> <p>22 ABS-VPD? Do you see that?</p> <p>23 A Yes.</p> <p>24 Q Is this the SOP that was referred to in the e-mail</p> <p>25 above?</p>

<p style="text-align: right;">Page 93</p> <p>1 A Likely it is a draft SOP, yes.</p> <p>2 Q If you could skip to page 3 with me.</p> <p>3 A (The witness complied.)</p> <p>4 Q So looking at the first full paragraph on this page</p> <p>5 and thereafter, the text reads, Until July 1, 2022,</p> <p>6 the ABS-VPD form to request an absentee ballot by</p> <p>7 mail must be received by county election officials</p> <p>8 not later than 11:59PM (local prevailing time),</p> <p>9 12-days before the election for the absentee ballot</p> <p>10 request to be reviewed and processed. State law</p> <p>11 does not explicitly provide for a deadline to</p> <p>12 receive an ABS-VPD form requesting an email or</p> <p>13 faxed ballot.</p> <p>14 Do you see that?</p> <p>15 A I do.</p> <p>16 Q And just to be clear, ABS-VPD is the combined form</p> <p>17 for registration and request of an accessible</p> <p>18 absentee ballot for voters with print disabilities;</p> <p>19 is that right?</p> <p>20 A Yes.</p> <p>21 Q Great. So skipping the paragraph after that and</p> <p>22 looking at the third full paragraph on the page, it</p> <p>23 says, The absentee portion of the ABS-VPD</p> <p>24 application received after these deadlines should</p> <p>25 be entered into SVRS and would be a valid</p>	<p style="text-align: right;">Page 94</p> <p>1 application for the next election, if another</p> <p>2 election is held during that calendar year. For</p> <p>3 instance, Susan submits an ABS-VPD form on May 1,</p> <p>4 2022. The application is "late" for the May</p> <p>5 primary election but would still be held and</p> <p>6 processed for the November general election when</p> <p>7 the module is open.</p> <p>8 Do you see that?</p> <p>9 A I do.</p> <p>10 Q So is it fair to say that your understanding of</p> <p>11 this draft SOP is that if a voter with a print</p> <p>12 disability requests a fax or e-mail ballot, say,</p> <p>13 fewer than twelve days before the election, say</p> <p>14 nine days before the election, the May primary</p> <p>15 election, they may not have a fax or e-mail ballot</p> <p>16 for the May primary? Is that right?</p> <p>17 A I'm sorry. I don't think I followed that or agree</p> <p>18 with that. Can you restate it?</p> <p>19 Q Sure. Let me look at this again. It's confusing.</p> <p>20 That's why I'm asking about it. Looking at the two</p> <p>21 sentences that say, For example, Susan submits an</p> <p>22 ABS-VPD form on May 1, 2022. The application is</p> <p>23 "late" for the May primary election but would still</p> <p>24 be held and processed for the November general</p> <p>25 election when the module is open.</p>
<p style="text-align: right;">Page 95</p> <p>1 Do you interpret that to mean and does Civix</p> <p>2 interpret that to mean that even if someone were</p> <p>3 filing a request for an e-mail or a faxed ballot</p> <p>4 for the May 2022 primary election, if they filed</p> <p>5 that application nine days before the primary that</p> <p>6 their application would be considered late and that</p> <p>7 they would not be provided a fax or e-mail ballot</p> <p>8 for the May primary?</p> <p>9 A No, that is not our understanding. Our</p> <p>10 understanding is this paragraph is meant to</p> <p>11 elaborate on the paragraph prior to that, which</p> <p>12 speaks to after July 1, 2022. Currently and until</p> <p>13 July 1, 2022, there is no provision for a deadline</p> <p>14 on e-mail and fax ballot requests. So those are</p> <p>15 presented to the county and the county can act upon</p> <p>16 those.</p> <p>17 Q Because what the thing says is Susan submits an</p> <p>18 ABS-VPD form on May 1, and it doesn't specify</p> <p>19 whether that's to receive her ballot by mail or by</p> <p>20 e-mail or fax. What this says is if she submits a</p> <p>21 form on May 1, the application is late for the May</p> <p>22 primary but will be processed for the November</p> <p>23 general election.</p> <p>24 The purpose of the question was to understand</p> <p>25 how Civix interpreted this. Can you explain to me</p>	<p style="text-align: right;">Page 96</p> <p>1 why my interpretation is wrong?</p> <p>2 A I can't explain your interpretation. I see what</p> <p>3 you're saying and what you're reading, but my</p> <p>4 understanding is that a fax or e-mail application</p> <p>5 can still be processed and will still be processed</p> <p>6 by the counties if received today for the primary,</p> <p>7 that requests by mail are now considered late and</p> <p>8 the county would consider those for rejection. I</p> <p>9 should clarify. Not rejection, but they would hold</p> <p>10 that and process it as an ongoing request then for</p> <p>11 the general.</p> <p>12 Q What if someone submitted an ABS-VPD application</p> <p>13 through Indiana Voters today for provision of a fax</p> <p>14 or e-mail ballot for the May election? Would you</p> <p>15 expect that that would be processed by the county</p> <p>16 for the May 2022 election?</p> <p>17 A I would based on my understanding, yes. It's</p> <p>18 presented to the county. It's up to the county to</p> <p>19 process.</p> <p>20 Q What oral discussion or e-mail discussion, if any,</p> <p>21 has Civix had with either Baker Tilly or with the</p> <p>22 State that may have involved this topic?</p> <p>23 A Well, having just released the application last</p> <p>24 week, there's been a lot of discussion about its</p> <p>25 use and continued use by the public and the</p>

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<p>1 counties then in processing those records that are</p> <p>2 being submitted. So I think that the State is</p> <p>3 providing guidance to the counties on how to</p> <p>4 consider those applications.</p> <p>5 Q Have you seen any of that guidance?</p> <p>6 A I think I've seen some draft language. I don't</p> <p>7 know that it's gone out. That's a question that</p> <p>8 the State would have to answer.</p> <p>9 MS. BRANDT-YOUNG: So the plaintiffs are going</p> <p>10 to request from Civix and from the defendants all</p> <p>11 guidance to the counties on that topic and all</p> <p>12 guidance to Civix on that topic.</p> <p>13 Q So just to make sure that I'm 100 percent clear on</p> <p>14 this issue. Is there anything in the SVRS system</p> <p>15 as Civix has coded it relating to voters with print</p> <p>16 disabilities that would prevent a county from</p> <p>17 knowing that a voter with a print disability</p> <p>18 requested a ballot provided by e-mail or fax for</p> <p>19 the May 2022 election and filed that request fewer</p> <p>20 than twelve days before the May 2022 election? Is</p> <p>21 there any sort of Civix-coded reason why a county</p> <p>22 would not be informed?</p> <p>23 A No. All of those requests are date and time</p> <p>24 stamped so that the county is aware of when it was</p> <p>25 submitted.</p>	<p>1 Q Thank you.</p> <p>2 MS. BRANDT-YOUNG: All right. Let's mark as</p> <p>3 Exhibit 8 a document with the file title CIVIX243.</p> <p>4 Q Here we go. Sir, can you see what appears to me to</p> <p>5 be an e-mail with the date March 7, 2022?</p> <p>6 A Yes, I can.</p> <p>7 Q Great. Do you recognize this document?</p> <p>8 A I do.</p> <p>9 Q What is it?</p> <p>10 A This is an e-mail from Baker Tilly to Civix</p> <p>11 acknowledging that some portion of the application</p> <p>12 development was going to be pulled forward in the</p> <p>13 project plan.</p> <p>14 Q What does pulled forward mean?</p> <p>15 A Delivered early.</p> <p>16 Q And so can you just describe who the senders and</p> <p>17 recipients of this e-mail are?</p> <p>18 A Sure. Brandi Riggle is a representative of</p> <p>19 Baker Tilly, as is her colleague on copy,</p> <p>20 Seth Cooper. This is to Jack Sanders with</p> <p>21 Baker Tilly. This is to Civix. La'Chanda is our</p> <p>22 program manager and I am on copy as well as Isaac,</p> <p>23 one of our proficiency managers.</p> <p>24 Q So I'd like you to look down that page under an</p> <p>25 e-mail from Brandi Riggle dated March 4 of this</p>
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<p>1 year at 1:15PM. There's some text there saying, I</p> <p>2 think, Based on these dates, the VwPD will be</p> <p>3 available after the voter registration deadline</p> <p>4 (April 4) and available either on the absentee</p> <p>5 ballot application deadline to vote by mail,</p> <p>6 e-mail, or fax (April 21) or the day after. This</p> <p>7 would mean Voters with print disabilities would not</p> <p>8 be able to use the online ABS-VPD for the primary</p> <p>9 election.</p> <p>10 Do you see that text there?</p> <p>11 A I do.</p> <p>12 Q So looking at the second half of the sentence</p> <p>13 there, it looks like the factual presumption being</p> <p>14 made is that the absentee application deadline to</p> <p>15 vote by mail or e-mail or fax for voters with print</p> <p>16 disabilities is April 21 and that any applications</p> <p>17 filed after that date would mean that the voters</p> <p>18 with print disabilities would not be able to use</p> <p>19 this online form for the primary election. Do you</p> <p>20 agree with me that that's what that text seems to</p> <p>21 presume?</p> <p>22 A That seems to be her interpretation and</p> <p>23 communication, yes.</p> <p>24 Q Do I understand correctly, however, that that's not</p> <p>25 how it's working at least from the</p>	<p>1 IndianaVoters.com and Civix perspective?</p> <p>2 A No. In fact, as I said, and this e-mail actually</p> <p>3 is speaking to, the breaking the project into two</p> <p>4 pieces, giving the counties the ability to process</p> <p>5 and record applications from voters with print</p> <p>6 disabilities early, was pulled forward, and then</p> <p>7 the electronic portion was released, as I said,</p> <p>8 last week and remains available for submitting</p> <p>9 those applications.</p> <p>10 Q And it remains available to the public for</p> <p>11 submitting those applications today?</p> <p>12 A It does.</p> <p>13 Q Noting that today is April 26 and the May 3</p> <p>14 election is not till May 3. Is that correct?</p> <p>15 A Correct.</p> <p>16 Q When did the voters with print disabilities</p> <p>17 absentee ballot application request go live?</p> <p>18 A Are you speaking to the portion that was released</p> <p>19 earlier and enabled the counties to process those</p> <p>20 requests or are you speaking strictly to the public</p> <p>21 website portion, the HTML portion?</p> <p>22 Q Not the counties' portion but the voters' portion.</p> <p>23 A I'm sorry. I didn't follow that.</p> <p>24 Q Not the counties' version but the voting public</p> <p>25 version.</p>

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<p>1 A Well, and even there I'm going to torture that a</p> <p>2 little bit. I believe the form was made available</p> <p>3 for download from the State in March. But the</p> <p>4 website I think is what you're asking for that we</p> <p>5 developed; is that correct? Is that the intent of</p> <p>6 the question?</p> <p>7 Q Yes. And to torture the question further, which I</p> <p>8 have to say as a lawyer gives me great joy, is it</p> <p>9 correct that the .pdf version of the ABS-VPD form</p> <p>10 was made public by the State on portions of the</p> <p>11 State's website controlled by the State in March?</p> <p>12 Do I have that right?</p> <p>13 A That is my understanding, yes. Yes, and that's</p> <p>14 what I'm referencing.</p> <p>15 Q And that's part of why Civix needed to make the</p> <p>16 portions of SVRS that it controls available to the</p> <p>17 counties early; is that right?</p> <p>18 A Correct. So that the counties could then</p> <p>19 appropriately document the receipt of any of those</p> <p>20 forms if they were sent to a county.</p> <p>21 Q And then as an alternate to the .pdf version of the</p> <p>22 ABS-VPD version, Civix also presented an HTML</p> <p>23 version of that application through</p> <p>24 IndianaVoters.com; is that right?</p> <p>25 A Correct.</p>	<p>1 Q What date did that go live to voters, the HTML</p> <p>2 version?</p> <p>3 A If you'll forgive me, I need to pull up my calendar</p> <p>4 just to make sure I'm on the right date. If you'll</p> <p>5 give me a second.</p> <p>6 Q Sure.</p> <p>7 MS. BRANDT-YOUNG: So we'll note that the</p> <p>8 witness is using a document that we haven't shown</p> <p>9 him for the purpose of making his testimony</p> <p>10 accurate and we are on board with that.</p> <p>11 THE WITNESS: I'm just opening my calendar.</p> <p>12 (Witness reviewing calendar)</p> <p>13 A So that code release was the evening of April 20.</p> <p>14 Q And when you say the evening of April 20, when you</p> <p>15 say evening what do you mean?</p> <p>16 A The build process can take some time. It started</p> <p>17 at 7:00 p.m. that night and I think we were back up</p> <p>18 and live within a couple of hours.</p> <p>19 Q So fair to say sometime roughly around 9:00 p.m. on</p> <p>20 April 20?</p> <p>21 A Yes, I think that's safe to say.</p> <p>22 Q All right. Thank you. So from Civix's</p> <p>23 perspective, is its work on the absentee voters</p> <p>24 with print disabilities project complete?</p> <p>25 A I would say no. Our work is never complete. It's</p>
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<p>1 software and there are people involved, and so it's</p> <p>2 a constant evolution.</p> <p>3 Q Is there any work that Civix was directed to do</p> <p>4 under any of the contracts that we've seen today</p> <p>5 that is still left to be done?</p> <p>6 A The team is assessing that I think relative to the</p> <p>7 original FSD and then will also monitor the use of</p> <p>8 that and how it works in the wild, so to speak, and</p> <p>9 so there will be ongoing work to enhance that.</p> <p>10 Q So is it fair to say that if Civix or the State</p> <p>11 receives reports of problems from any source,</p> <p>12 they'll try to go back and correct those?</p> <p>13 A All reports are investigated to determine if it may</p> <p>14 be user error or if there might be an issue with</p> <p>15 the software or if there might be an alternative</p> <p>16 enhancement that could enable the software to work</p> <p>17 differently or better.</p> <p>18 Q How would a voter know how to contact Civix in</p> <p>19 order to pass along reports of that kind?</p> <p>20 A Voter doesn't contact Civix through the public</p> <p>21 site. Voter would contact the Election Division.</p> <p>22 Q How do voters know how to contact the</p> <p>23 Election Division?</p> <p>24 A There's a link on that page, to provide feedback</p> <p>25 contact the Election Division directly.</p>	<p>1 Q On what page?</p> <p>2 A IndianaVoters.com. Sorry.</p> <p>3 Q Is there any functionality under the contract that</p> <p>4 Civix has yet to deliver? When I say the contract,</p> <p>5 I mean the ones specific to voters with print</p> <p>6 disabilities that we've seen today.</p> <p>7 A That's being assessed by the team now. Our team</p> <p>8 reviewed the functionality relative to the FSD and</p> <p>9 delivered that to the State. I think the State has</p> <p>10 questioned some of the interpretation of those</p> <p>11 provisions and whether they want it to be delivered</p> <p>12 differently, so that's a point to be determined.</p> <p>13 Q So the State is still providing feedback?</p> <p>14 A State is still providing feedback, yes.</p> <p>15 Q But there are no new products or services that have</p> <p>16 yet to be provided that you already know about,</p> <p>17 it's merely a question of refining the things that</p> <p>18 you've already delivered? Is that fair?</p> <p>19 A That's fair.</p> <p>20 Q And I believe we said before that there's no future</p> <p>21 work relating to voters with print disabilities</p> <p>22 that the State is contemplating through Civix right</p> <p>23 now; is that correct?</p> <p>24 A I think that is correct. The only caveat I might</p> <p>25 throw out there is, back to your reference to</p>

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<p>1 testing services, if they were to identify items to</p> <p>2 be addressed that we would mitigate those items.</p> <p>3 So that's kind of to be determined, I guess.</p> <p>4 Q So possibly accessibility testing for the services</p> <p>5 you've already delivered could be added. Is that</p> <p>6 fair to say?</p> <p>7 A Not testing, but mitigating those items that may be</p> <p>8 raised by testing by someone else.</p> <p>9 Q But as far as you know, no additional work as to</p> <p>10 voters with print disabilities beyond what you've</p> <p>11 already described?</p> <p>12 A Correct.</p> <p>13 MS. BRANDT-YOUNG: All right. So I'm going to</p> <p>14 ask the court reporter to mark as Exhibit 9 a</p> <p>15 document with the file name BTUS33.</p> <p>16 Q So, sir, I've pulled up what looks like an e-mail</p> <p>17 from Thomas White to a number of recipients with</p> <p>18 the subject line RE: Meeting with Baker Tilly,</p> <p>19 Civix, & Bosma Enterprises dated Friday, May 14,</p> <p>20 2021. You see that?</p> <p>21 A I do.</p> <p>22 Q So this is in two parts. The top is an e-mail and</p> <p>23 the bottom is a meeting invitation. Can you just</p> <p>24 take a look through it and then tell me if you</p> <p>25 recognize this document?</p>	<p>1 A I do.</p> <p>2 Q What is it?</p> <p>3 A It was an invitation to a meeting that Baker Tilly</p> <p>4 was facilitating among a number of constituents</p> <p>5 with the Secretary of State's office.</p> <p>6 Q What was the subject matter of that meeting?</p> <p>7 A They were looking for input as they considered</p> <p>8 their path forward on the Senate Enrolled Act 398.</p> <p>9 Q Which of the recipients here are from Civix?</p> <p>10 A Myself, Karen Gee, Thelma Van, and Tom Ferguson.</p> <p>11 Q And looking at the bottom half, as I mentioned,</p> <p>12 this looks like a meeting invite; is that correct?</p> <p>13 A Yes.</p> <p>14 Q Did you attend that meeting?</p> <p>15 A I did.</p> <p>16 Q If you remember, did all of these people attend</p> <p>17 that meeting?</p> <p>18 A I don't remember that they all attended frankly.</p> <p>19 Q Is there anyone in this list that you do remember</p> <p>20 being there?</p> <p>21 A I do remember Brandon Clifton, Thomas White,</p> <p>22 Seth Cooper. Honestly I don't even remember if my</p> <p>23 colleagues were able to make it and I don't</p> <p>24 remember the exact attendees from the outside</p> <p>25 entities, Bosma.</p>
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<p>1 Q Then scrolling back up to the top under the</p> <p>2 Attachments, it lists an attachment of</p> <p>3 Senate Enrolled Act 398 Discussion.pdf. Do you see</p> <p>4 that?</p> <p>5 A I do.</p> <p>6 MS. BRANDT-YOUNG: So let's mark as Exhibit 10</p> <p>7 another document with the file name BTUS34.</p> <p>8 Q All right. Sir, do you see a document here that on</p> <p>9 the first page says Indiana Election Division,</p> <p>10 Senate Enrolled Act 398, Friday, May 14, 2021?</p> <p>11 A I do.</p> <p>12 Q Have you ever seen this before?</p> <p>13 A Yes, I have.</p> <p>14 Q What is it?</p> <p>15 A It was a document developed by Baker Tilly. It was</p> <p>16 a thought piece that they had considered and</p> <p>17 developed some ideas or thoughts on how the State</p> <p>18 might achieve the goals of the Senate Enrolled Act</p> <p>19 referenced.</p> <p>20 Q Is this the document that was attached to that</p> <p>21 e-mail and meeting invite?</p> <p>22 A Yes.</p> <p>23 Q So this was discussed during that meeting; is that</p> <p>24 right?</p> <p>25 A It was.</p>	<p>1 Q Thank you. So let's move to page 3. So looking</p> <p>2 here, this portion of this document is organized</p> <p>3 into columns and the columns are labeled Option 1,</p> <p>4 Option 2, Option 3. Option 1 contains a qualifier</p> <p>5 of UOCAVA Workflow (Electronic Mail or Fax);</p> <p>6 Option 2 is titled Build Accessible Absentee</p> <p>7 Application & Ballot Submission Portal</p> <p>8 (Web Publication); and Option 3 is called Hybrid</p> <p>9 and it says (Electronic Mail, Fax, or</p> <p>10 Web Publication).</p> <p>11 Do you see those headings there?</p> <p>12 A I do.</p> <p>13 Q So could you just explain on the very broadest</p> <p>14 level what were the biggest differences between</p> <p>15 these three options? What were they seeking to do</p> <p>16 and how did they propose to do it in ways that were</p> <p>17 different from each other?</p> <p>18 A Frankly I didn't facilitate that conversation, so I</p> <p>19 don't know that I can elaborate greatly beyond</p> <p>20 what's printed here and presented by Baker Tilly.</p> <p>21 I do remember that the general feedback from the</p> <p>22 team at the time was that it did make sense to</p> <p>23 leverage UOCAVA workflow, that the website at that</p> <p>24 time had passed WCAG 2.0 AAA and so it met much of</p> <p>25 what was discussed or could be leveraged at least.</p>

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<p>1 Then the only other point that was made is about I</p> <p>2 think in here there was some discussion of</p> <p>3 certification and self-certifying.</p> <p>4 So my memory is those were the big takeaways,</p> <p>5 but there wasn't at that time a discussion of a</p> <p>6 combined form, which subsequently was provided to</p> <p>7 us as the direction that we were to follow.</p> <p>8 Q So talking through that again, you said that the</p> <p>9 feedback from the team was to go with Option 1; is</p> <p>10 that right?</p> <p>11 A No. That there was a general discussion that they</p> <p>12 did want to leverage UOCAVA workflow, but there</p> <p>13 again, Option 3 would as a hybrid incorporate some</p> <p>14 of that as well.</p> <p>15 (A discussion was held off the record.)</p> <p>16 Q Well, so what I understand when I look at these</p> <p>17 options is that the scope was implementation of</p> <p>18 Senate Enrolled Act 398 as it relates to voters</p> <p>19 with print disabilities from the beginning to the</p> <p>20 end of the voting process. When I look at sort of</p> <p>21 pages 3 and 4 and 5, these are the methods for</p> <p>22 doing the entire process including absentee ballot</p> <p>23 submission, absentee ballot application, status</p> <p>24 tracking, troubleshooting. Do I understand that</p> <p>25 correctly?</p>	<p>1 A There were a number of options that Baker Tilly had</p> <p>2 considered, but I don't tie this directly to what</p> <p>3 we were ultimately contracted for to deliver, which</p> <p>4 was the combined form, which was provided in</p> <p>5 December of last year.</p> <p>6 Q That sounds correct to me in accordance with what I</p> <p>7 understood before. What I'm trying to understand</p> <p>8 is during this meeting that you had on May 14 of</p> <p>9 2021 what were the options that were being</p> <p>10 discussed. So when I look at this, the procedure</p> <p>11 under discussion seems to be all steps in the</p> <p>12 absentee voting process for voters with print</p> <p>13 disabilities and Option 1 was doing it entirely by</p> <p>14 e-mail or fax; Option 2 was building an accessible</p> <p>15 absentee application and ballot submission portal,</p> <p>16 which is a web publication method; and then</p> <p>17 Option 3 was a hybrid where the State would do</p> <p>18 both.</p> <p>19 Do I understand that right?</p> <p>20 A That is correct. So all options were discussed. I</p> <p>21 just don't recall there being the selection of an</p> <p>22 option. It was, as I said, a thought piece that</p> <p>23 Baker Tilly presented and meant to generate</p> <p>24 discussion of those various options.</p> <p>25 Q Thank you. That's helpful. In Civix's opinion,</p>
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<p>1 are all of these options technologically feasible?</p> <p>2 A I'd hesitate to say all technologically feasible.</p> <p>3 I believe, if I recall, there's some discussion</p> <p>4 here of going outside of our typical scope getting</p> <p>5 into voting, which is not something that we would</p> <p>6 technically consider within our purview. But</p> <p>7 everything else seemed pretty straightforward that</p> <p>8 either existed or could be developed.</p> <p>9 Q So I think the question that I'm asking may be a</p> <p>10 little broader than the question that you're</p> <p>11 answering, which is: Is it technologically</p> <p>12 feasible to be done with unknown vendors in the</p> <p>13 universe that you haven't identified yet?</p> <p>14 A Software can usually solve most problems with</p> <p>15 enough time and money. There's a general vendor</p> <p>16 answer (laughing).</p> <p>17 Q So fair to say that someone somewhere would be able</p> <p>18 to code each of these options; is that right?</p> <p>19 A I'm sure there are vendors who would say they would</p> <p>20 do that, yes.</p> <p>21 Q Leaving aside the question of current scope of your</p> <p>22 contracts or business services, does Civix have the</p> <p>23 technological expertise to code any of these</p> <p>24 options itself or no?</p> <p>25 A I'd have to go through them in detail to see if</p>	<p>1 there was any no to that. As I recall, most of</p> <p>2 this is within our purview. The only piece that I</p> <p>3 think they had discussed and brought up is the</p> <p>4 ballot submission piece, which we would consider</p> <p>5 voting, that that's more of a technically</p> <p>6 challenging portion that I know some vendors do</p> <p>7 claim to offer securely and there are those in the</p> <p>8 security community who question that. It's not</p> <p>9 typically where we play, and certainly not in</p> <p>10 Indiana. It's outside of our scope.</p> <p>11 Q So that's not something that Civix is currently</p> <p>12 providing in the marketplace, online ballot</p> <p>13 submission; is that correct? By submission I mean</p> <p>14 submission of marked ballots back to a county for</p> <p>15 counting.</p> <p>16 A That I think gets back to our previous session</p> <p>17 where you'd shared a piece that I was unfamiliar</p> <p>18 with through one of our partners that, again, I</p> <p>19 don't know the specifics of that. In Indiana, no,</p> <p>20 we do not facilitate marked ballots being securely</p> <p>21 returned to the county.</p> <p>22 Q So picking up on something that you said before.</p> <p>23 It's fair to say that there are vendors who do</p> <p>24 provide HTML ballot provision and marking and</p> <p>25 submission of marked ballots to the counties; is</p>

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<p>1 that correct?</p> <p>2 A There are vendors that claim to do that securely,</p> <p>3 yes.</p> <p>4 Q So there are vendors who claim to do that, full</p> <p>5 stop; is that right?</p> <p>6 A Yes.</p> <p>7 Q And there are vendors that claim to do that</p> <p>8 securely; is that also true?</p> <p>9 A That is my understanding of the marketplace, yes.</p> <p>10 Q Is there any reason that one of those vendors</p> <p>11 couldn't be used by the State of Indiana to</p> <p>12 coordinate with the information available in SVRS?</p> <p>13 A I wouldn't see any reason. We work with a lot of</p> <p>14 vendors the State contracts with, so there's</p> <p>15 nothing that comes to mind that would prevent that.</p> <p>16 Q If the State does contract with such a vendor, is</p> <p>17 there anything that requires Civix's involvement or</p> <p>18 participation? Or can they do it without you?</p> <p>19 A Both frankly. I think to fully utilize a vendor of</p> <p>20 that nature, there would likely be some exchange of</p> <p>21 information between the systems.</p> <p>22 Q Could that exchange of information be done at the</p> <p>23 county level without Civix being involved?</p> <p>24 A Certainly. Counties can do what they choose.</p> <p>25 Q So during this meeting do you remember Civix</p>	<p>1 promoting any one of these three options?</p> <p>2 A Not promoting an option per se. I did make a point</p> <p>3 of reminding everyone that the site as developed</p> <p>4 and delivered had been tested against the WCAG</p> <p>5 standard and did allow a voter to make updates to</p> <p>6 their voter registration and to request an absentee</p> <p>7 ballot. So there are a number of these items that</p> <p>8 were covered within the then-current scope.</p> <p>9 Q So is it fair to say that as to Option 2 and</p> <p>10 Option 3 many of the tasks related in making those</p> <p>11 options available to voters with print disabilities</p> <p>12 have already been done by Civix? Is that right?</p> <p>13 A Yes.</p> <p>14 MS. BRANDT-YOUNG: Okay. We've had you going</p> <p>15 for quite a while now, so if you wouldn't mind can</p> <p>16 we take a five-minute break now?</p> <p>17 THE WITNESS: Sure.</p> <p>18 MS. BRANDT-YOUNG: Any objections?</p> <p>19 (no response)</p> <p>20 MS. BRANDT-YOUNG: Hearing none, it's 2:51,</p> <p>21 we'll see you back here at roughly 2:56. Thank</p> <p>22 you.</p> <p>23 (A brief recess was taken.)</p> <p>24 MS. BRANDT-YOUNG: Let's go back on at 3:02.</p> <p>25 THE WITNESS: Close my door. Sorry.</p>
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<p>1 MS. BRANDT-YOUNG: Sure.</p> <p>2 THE WITNESS: Go ahead.</p> <p>3 Q So recognizing that the HTML version of the</p> <p>4 combined voter with print disability registration</p> <p>5 and absentee ballot request form that that went</p> <p>6 live approximately 9:00 p m. on the 20th and that</p> <p>7 it's been up for not quite six days, is Civix aware</p> <p>8 of any feedback from any source about that form</p> <p>9 after it went public?</p> <p>10 A Yes.</p> <p>11 Q Tell us about that feedback.</p> <p>12 A There are county users who are asking some</p> <p>13 questions and offering ideas on how to improve it,</p> <p>14 so it's an ongoing process.</p> <p>15 Q So there's been some feedback that originated with</p> <p>16 county users? Do I understand that right?</p> <p>17 A Yes.</p> <p>18 Q Are you aware of any feedback on the voter side</p> <p>19 HTML form from any source other than county</p> <p>20 election boards?</p> <p>21 A We don't really get correspondence directly from</p> <p>22 voters. That goes to the counties or to the State,</p> <p>23 so I guess I could add some feedback from the</p> <p>24 State. Those are our primary sources.</p> <p>25 Q So what I'm trying to understand is you're making a</p>	<p>1 distinction, which I appreciate, between who passes</p> <p>2 the feedback on to you and where the feedback</p> <p>3 originates from. That is really helpful. What I'm</p> <p>4 assuming from what you said before -- tell me if</p> <p>5 I'm right -- is that there is some feedback that</p> <p>6 you heard about from county election boards that</p> <p>7 originated with those same county election boards;</p> <p>8 is that right?</p> <p>9 A Say that again. I apologize. Sorry. I know</p> <p>10 you're trying to be precise and I want to answer it</p> <p>11 correctly.</p> <p>12 Q Thank you. That is what we're striving for without</p> <p>13 also being confusing. It's a process.</p> <p>14 A Yes.</p> <p>15 Q Do I understand correctly that Civix has heard from</p> <p>16 feedback on the HTML voter side form that</p> <p>17 originated in ideas with county election boards?</p> <p>18 A County election board, I don't know. It's county</p> <p>19 users for us. It's just a user of SVRS. So I</p> <p>20 don't know that I could say specifically county</p> <p>21 election board.</p> <p>22 Q So a county-level user, can you explain what you</p> <p>23 mean when you say that?</p> <p>24 A A county employee who uses SVRS.</p> <p>25 Q Are you aware of any feedback on the voter side</p>

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<p>1 HTML form that has originated with anyone other</p> <p>2 than a county employee using SVRS?</p> <p>3 A Not specifically, no. I would presume -- but I</p> <p>4 know that I'm not supposed to presume -- that some</p> <p>5 of that may be voter feedback to the county, but we</p> <p>6 typically hear just the version from the county.</p> <p>7 Q And did you say that you also received some</p> <p>8 feedback from the State or state-level users about</p> <p>9 the form after it went live?</p> <p>10 A Yes.</p> <p>11 Q Do you know where that information originated from,</p> <p>12 recognizing that it was conveyed to you through the</p> <p>13 State?</p> <p>14 A Yes. Well, they typically get their feedback from</p> <p>15 counties. And they may be contacted by voters</p> <p>16 directly, but I don't know necessarily if that was</p> <p>17 the case here.</p> <p>18 Q So what were the sorts of things that you were</p> <p>19 hearing from the county-level users?</p> <p>20 A Really some further clarification and direction on</p> <p>21 how to process records as they're received and how</p> <p>22 to process if there was information missing from</p> <p>23 the submission, what their options were.</p> <p>24 Q Any other kind of feedback that you heard through</p> <p>25 county-level users?</p>	<p>1 A Some suggestions on how to improve it. Always good</p> <p>2 feedback.</p> <p>3 Q What were those suggestions?</p> <p>4 A Mostly around design layout, navigation. I don't</p> <p>5 have a list in front of me, but pretty typical</p> <p>6 stuff. Everybody's a web developer (smiling).</p> <p>7 Q If you recall, what percentage of those design</p> <p>8 layout, navigation suggestions were specific to</p> <p>9 things that were only accessed or accessible to</p> <p>10 county-level users?</p> <p>11 A I don't think I understand the question. Sorry.</p> <p>12 Q Well, so what I understand about the work done on</p> <p>13 the voters with print disabilities project is that</p> <p>14 some of the coding that Civix had to do was only</p> <p>15 ever going to be accessed by the county-level users</p> <p>16 and that went live in March, whereas Civix also</p> <p>17 coded things that were supposed to be primarily</p> <p>18 accessed in an HTML version by voters and that went</p> <p>19 live in April.</p> <p>20 So what I'm trying to understand is: If you</p> <p>21 heard from the counties about improvements to</p> <p>22 design layout and navigation of the system, which</p> <p>23 system was it? The one that was only for the</p> <p>24 counties or in one that was for the voters?</p> <p>25 A Oh, we've heard feedback on both. There are few</p>
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<p>1 moving parts on the I'll say county-facing internal</p> <p>2 to SVRS functionality. There just weren't a lot of</p> <p>3 changes there, so that has a lot less feedback.</p> <p>4 The public site, I think we're getting more ideas</p> <p>5 and submissions for consideration.</p> <p>6 Q So in terms of the public site, the voter-facing</p> <p>7 site, do you remember the specifics of any</p> <p>8 suggested improvements as to design layout and/or</p> <p>9 navigation?</p> <p>10 A There's been a lot of discussion and feedback about</p> <p>11 the content, specifically the text that was</p> <p>12 provided, and so that's something that the State</p> <p>13 will have to agree on how or if they want to edit</p> <p>14 or update the directions or the text. I think</p> <p>15 there's been some recommendation on the navigation,</p> <p>16 this being a combined form, maybe changing how a</p> <p>17 user might navigate and select one aspect of that.</p> <p>18 So if they have no voter registration edit but only</p> <p>19 an ABS request to submit, might change the click</p> <p>20 path there. I say all might because these are</p> <p>21 things that the State would have to agree on and</p> <p>22 direct us to do. I think the third one is just</p> <p>23 around which fields are required versus not</p> <p>24 required, maybe some changes there.</p> <p>25 Q Then you also mentioned that there was some</p>	<p>1 feedback from the State about the voter-facing</p> <p>2 form. What kind of feedback did that entail?</p> <p>3 A I just covered all of it. Sorry.</p> <p>4 Q So the feedback that you just gave me was both?</p> <p>5 A It was both county and State, so I'm mixing them</p> <p>6 all in. Those are the highlights, if you will.</p> <p>7 Q What about the text provided by the State was</p> <p>8 suggested might be altered?</p> <p>9 A I don't remember the specific wording, but I think</p> <p>10 they would like to wordsmith some of the directions</p> <p>11 that's given on the site.</p> <p>12 Q Do you remember what about the directions drew</p> <p>13 attention?</p> <p>14 A No, I don't. They're just words</p> <p>15 frankly (laughing). If they give us some text, we</p> <p>16 can update the text.</p> <p>17 Q Does Civix have any internal ideas of how you might</p> <p>18 improve this form since it's gone live? Or in the</p> <p>19 development or direction of it have you all come up</p> <p>20 with ideas for things that you would like to do</p> <p>21 differently possibly in the future or possibly next</p> <p>22 time in this process?</p> <p>23 A We've not convened the team to compile all that.</p> <p>24 With an election one week out, we've got our hands</p> <p>25 full (laughing). So that is something we'll get</p>

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<p>1 to, but frankly we take a lot of the State's</p> <p>2 suggestions and direction really and those from the</p> <p>3 counties and we work from really their perspective</p> <p>4 more than anything.</p> <p>5 Q All right. Is there anything else that is</p> <p>6 important about this process or this form that we</p> <p>7 haven't discussed already that you think we should</p> <p>8 know?</p> <p>9 A Probably know more about it than I do (laughing).</p> <p>10 Q That's not true (laughing).</p> <p>11 A No, I don't think so.</p> <p>12 Q Sounds good.</p> <p>13 A You've covered a lot of it.</p> <p>14 MS. BRANDT-YOUNG: So I think that at this</p> <p>15 time the plaintiffs have nothing further, so I</p> <p>16 think we're done here.</p> <p>17 THE WITNESS: Thank you. I've enjoyed the</p> <p>18 conversation. You don't get that very often in a</p> <p>19 deposition, do you?</p> <p>20 MS. BRANDT-YOUNG: I would be interested in</p> <p>21 hearing the other attorneys on the call discuss</p> <p>22 this, perhaps not on the record, but frequently</p> <p>23 these conversations are either difficult because</p> <p>24 it's in a very artificial format or they're</p> <p>25 delightful, although delightful is rare.</p>	<p>1 THE WITNESS: I can imagine.</p> <p>2 MS. BRANDT-YOUNG: Well, we're very, very</p> <p>3 grateful to you, sir, for explaining all these</p> <p>4 things to us and being patient about it. So thank</p> <p>5 you very, very much.</p> <p>6 And is there anything else that all of us need</p> <p>7 to do while we are together?</p> <p>8 MS. ABSHIRE: Nothing I can think of.</p> <p>9 MS. BRANDT-YOUNG: All right. Thank you very,</p> <p>10 very much, Mr. Fahey. Thank you very, very much,</p> <p>11 Michele. We'll see everybody else as soon as</p> <p>12 there's a need.</p> <p>13 THE WITNESS: Thank you. Have a good day.</p> <p>14 MS. BRANDT-YOUNG: Thank you very much.</p> <p>15 (Exhibits 1-10 were marked.)</p> <p>16 (The deposition concluded at 3:13 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 SOUTHERN DISTRICT OF INDIANA</p> <p>3 INDIANAPOLIS DIVISION</p> <p>4 AMERICAN COUNCIL OF THE)</p> <p>5 BLIND OF INDIANA,)</p> <p>6 INDIANA PROTECTION AND)</p> <p>7 ADVOCACY SERVICES COMMISSION,))</p> <p>8 KRISTIN FLESCHNER,)</p> <p>9 RITA KERSH, AND)</p> <p>10 WANDA TACKETT,)</p> <p>11)</p> <p>12 Plaintiffs,)</p> <p>13)</p> <p>14 -v-) CAUSE NO</p> <p>15) 1:20-cv-03118-JMS-MJD</p> <p>16)</p> <p>17 INDIANA ELECTION COMMISSION;)</p> <p>18 THE INDIVIDUAL MEMBERS OF THE)</p> <p>19 INDIANA ELECTION COMMISSION,)</p> <p>20 IN THEIR OFFICIAL CAPACITIES,)</p> <p>21 INDIANA SECRETARY OF STATE,)</p> <p>22 IN HER OFFICIAL CAPACITY,)</p> <p>23)</p> <p>24 Defendants)</p> <p>25 Job No 171529</p> <p>The Zoom 30(b)(6) deposition of SEAN FAHEY, taken in the above-captioned matter, on April 15, 2022, and on April 26, 2022, and at the time and place set out on the title page hereof</p> <p>It was requested that the deposition be transcribed by the reporter and that same be reduced to typewritten form</p> <p>Absent a request by the parties or by agreement, the reading and signing by the deponent to the deposition were waived on behalf of all the parties by their respective counsel, the deponent being present and consenting thereto, and/or pursuant to Fed R Civ P 30(e); and the deposition is to be read with the same force and effect as if signed by said deponent</p> <p>STEWART RICHARDSON DEPOSITION SERVICES Registered Professional Reporters One Indiana Square, Suite 2425 Indianapolis, IN 46204 (800)869-0873</p>	<p>1 STATE OF INDIANA</p> <p>2 COUNTY OF MARION</p> <p>3 I, Michele K. Gustafson, CRR-RPR, a</p> <p>4 Notary Public in and for said county and state, do</p> <p>5 hereby certify that the deponent herein was by me</p> <p>6 first duly sworn to tell the truth, the whole truth,</p> <p>7 and nothing but the truth in the aforementioned</p> <p>8 matter;</p> <p>9 That the foregoing deposition was taken on</p> <p>10 behalf of the Plaintiffs; that said deposition was</p> <p>11 taken at the time and place heretofore mentioned</p> <p>12 between 1:02 p.m. and 2:35 p.m. on April 15, 2022, and</p> <p>13 between 1:03 p.m. and 3:13 p.m. on April 26, 2022;</p> <p>14 That said deposition was taken down in</p> <p>15 stenograph notes and afterwards reduced to typewriting</p> <p>16 under my direction; and that the typewritten</p> <p>17 transcript is a true record of the testimony given by</p> <p>18 said deponent;</p> <p>19 Absent a request by the parties or by</p> <p>20 agreement, the reading and signing by the deponent to</p> <p>21 the deposition were waived on behalf of all the</p> <p>22 parties by their respective counsel, the deponent</p> <p>23 being present and consenting thereto, and/or pursuant</p> <p>24 to Fed. R. Civ. P. 30(e); and the deposition is to be</p> <p>25 read with the same force and effect as if signed by</p>

30 (b) (6)

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1 said deponent.

2 I do further certify that I am a disinterested
3 person in this cause of action; that I am not a
4 relative of the attorneys for any of the parties.

5 IN WITNESS WHEREOF, I have hereunto set my
6 hand and affixed my notarial seal this 11th day of
7 May, 2022.

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My Commission expires:

12 August 31, 2025

13 Job No. 171529

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